

Jacket # 68563-1

BPPD PM ACTION CODING FORM

PM 90: Janet Andersen

REVIEWER: DNK KIM

(ASSIGNED BY: STJB700)

EPA REG./FILE SYMBOL 68563-1

ACTION CODE 332

SUBMISSION BARCODE _____

Date on Application 11-13-98

EPA Received Date 11-24-98

PM Received Date 12-15-98

Assigned in PRAT YES _____ NO ☒ Under another PM # _____

Completed by: S. Diana Hudson

Date 12-15-98

.....

FINAL ACTION

Response Code _____

Response Date: / /

MOS: _____ (1) Cite-All

_____ (4) Not Applicable

_____ (8) Selective

CRP: Yes _____ No _____

Restricted Use: Yes _____ No _____

Manufacturing Use: Yes _____ No _____

Exclusive Use: Yes _____ No _____

BPPU PRAT ACTION GUIDING FORM

PM SO: Janet Andersen

REVIEWER: Richard King
(ASSIGNED BY: SKR)

EPA REG./FILE SYMBOL 68563-1

ACTION CODE 332

SUBMISSION BARCODE S567426

Date on Application 7/22/99

EPA Received Date 7/29/99

PM Received Date 7/30/99

Assigned in PRAT YES X NO

Completed by: sdh Date 8/30/99

Notification

=====

FINAL ACTION

Response Code

Response Date: / /

MOS: (1) Cite All
 (4) Not Applicable
 (8) Selective

CRP: Yes No

Restricted Use: Yes No

Manufacturing Use: Yes No

Exclusive Use: Yes No

*Please Reassign
in PRAT
Thanks!
SKR*

[421] From: Dan Peacock at DCOPP2 5/22/97 2:48PM (659 bytes: 10 ln)
To: TEUNG CHIN at DCOPP12
Receipt Requested
cc: DOUGLAS PARSONS at X400, Bill Jacobs, Dan Peacock
Subject: Registration of Squirrel Free Products

----- Message Contents -----

Teung,

Yesterday, we registered the 3 "Squirrel Free" products. Their agent has been notified and has been faxed a copy of the stamped labels and associated Notices of Registrations.

If you need anything from me before 4 PM today, let me know. I will be back in the office Tuesday. Have a good weekend!

Dan Peacock, 305-5407

[420] From: Dan Peacock at DCOPP2 5/22/97 2:40PM (545 bytes: 9 ln)
To: "Catherine R. Shea" <crshea@erols.com> at IN, peacock.dan@epamail.epa.gov at
IN

Receipt Requested

cc: Bill Jacobs, Dan Peacock

Subject: Re: Squirrel Free registrations

----- Message Contents -----

Cathy,

Question #1: The text should remain as is, since all tree squirrel
species are listed.

Question #2: Any graphic should use the term "tree squirrel", not
just "squirrel".

Dan

① Teung Chua
② Parson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 15 2002

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. John H. Edholm
Squirrel Free, Inc.
255 Great Arrow Ave.
Unit 5, Second Floor
Buffalo, New York 14207

Subject: Your August 7, 2002 Letter Regarding Use of Environmental Hazards Statements
EPA Registration No. 68563-1

Dear Mr. Edholm:

This is in reply to your subject letter regarding use of the Environmental Hazards statement on your label. I appreciate your point about the nature of your product, however we must always follow Agency policy covering outdoor uses as it is currently stipulated:

For residential consumer products, the required statement is:

"Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate."

The reviewer must keep in mind the use pattern of the product undergoing a label review. If the product is actually intended for application to water - to control algal growth, for example, the above two statements would be inappropriate. Or, if the product is an aerosol spray for application to wasp or hornet nests, there would be no equipment used, and the statement regarding cleaning of equipment may be omitted.

This is from the Label Review Manual, page 9-3, which provides guidance in complying with the labeling regulations found in 40 CFR 156.10(h)(2)(ii) regarding Precautionary Statements.

Now, having said that, your outdoor product is analogous to the aerosol spray used on wasp or hornet nests, employed in the guidance quoted above. Therefore, it would be appropriate for your product to drop the sentence: "Do not contaminate water when disposing of equipment washwaters or rinsate." The statement "Do not apply directly to water." must be used under the Environmental Hazards statement on your label.

*Jim Downing
- could you
respond?
Sheryl
Sheryl*

**SQUIRREL FREE
WILD BIRD
PRODUCTS**



Birds Love It...Squirrels Don't!

255 GREAT ARROW AVENUE

UNIT 5, SECOND FLOOR

BUFFALO, NEW YORK 14207

(888) 636-1477

(716) 873-8116 (FAX)

www.hotbirdseed.com

August 7, 2002

Ms. Sheryl Reilly
Chief of Bio Chemicals
Office of Pesticide Programs
U.S. ENVIRONMENTAL PROTECTION AGENCY
401 M. Street, SW
Washington, DC 20460-0001

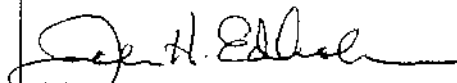
Dear Ms. Reilly:

Squirrel Free, Inc. has previously registered our chili pepper coated wild birdseed products (EPA REG. NO. 68563-1) with the EPA. We are doing a label review and we are requesting your guidance to alter the precautionary language. I have been speaking with Richard King and he suggested that I write a letter to you.

Under "Environmental Hazards" we currently state: "Do not apply directly to water. Do not contaminate water when disposing of equipment wash water or residue." We use food grade chili pepper to discourage squirrels from eating the seed intended for the birds. We do not believe that this statement has any relevance to wild birdseed. We do not believe that our product presents any environmental hazard either. Being that our products contain only food grade ingredients, is there alternate language that may be considered? Our preference would be to eliminate the "Environmental Hazard" language altogether.

We await your guidance. Please do not hesitate to phone me should you have any comments or questions.

Very truly yours,


John H. Edholm

cc: Mr. Richard King
Mr. Chris Dunn

91
S. Neely

68563-1

SNYDER SEED CORPORATION

255 Great Arrow Avenue

Ph. 716 873 6248

Fax. 716 873 8116

Document Processing Desk
Office of Pesticide Programs (7504C)
US Environmental Protection Agency
401 M. Street SW
Washington, DC 20460-0001
Attn: Mr. Richard King

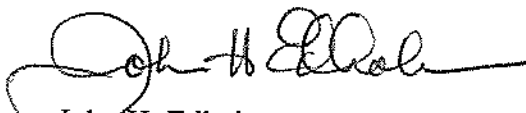
July 22, 1999

Dear Richard:

Reference is made to our letter of June 4, 1999 notifying you of label changes regarding our pepper coated wild bird seed mix called Fiesta. Unfortunately, we have found a competitor who is currently using that name. Therefore, we are filing another notification (see attached) changing the name to ORIGINAL. Per usual, we included a copy of our last approved text and have also highlighted the changes on the new submission. Besides the name change, we have changed a marketing reference to squirrel food alternatives and have corrected two type errors found on the back panel.

Please do not hesitate to call, should you have on comments or questions.

Very truly yours,


John H. Edholm



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|--|---|---|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Richard King | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) PEPPER TREATED WILD BIRD SEED | PM# | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A Subsidiary of Snyder Seed Corp. 255 Great Arrow Avenue Buffalo, New York 14207 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Changes in product name and marketing statements, no changes in composition or pre cautionary statements

Section - III

| | | | | | |
|--|--|---|------------------------|---|-------------------|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | |
| - Certification must be submitted | | If "Yes" Unit Packaging wgt. 8 lbs. | No. per container 1 | If "Yes" Package wgt. | No. per container |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8lbs bags | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label | |
| 6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | | | |

Section - IV

| | | | |
|---|--|---|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | |
| Name John H. Edholm | | Title Operations Manager | |
| | | Telephone No. (Include Area Code) 716 873 6248 | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | | 6. Date Application Received (Stamped) |
| 2. Signature | | 3. Title Operations Manager | |
| 4. Typed Name John H. Edholm | | 5. Date 7-22-99 | |

6-4-99

**SQUIRREL FREE INC
WILD BIRD SEED
PEPPER TREAT™**

PESKY

FIESTA
Birds Love It...
Squirrels Don't!

ACTIVE INGREDIENTS:

Capsaicin and Related Capsaicinoids*: 0.024%

INERT INGREDIENTS: 99.976%

TOTAL: 100%

*Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 LB. (3.63 Kg.)

SQUIRREL FREE INC WILD BIRD SEED

Birds Love It ~ Squirrels Don't

Squirrel Free's premium **Fiesta** Wild Bird Seed has been University tested and scientifically formulated with our patented Pepper Treat™ brand of chili pepper coating technology. Fiesta is made from the finest seed ingredients to attract a wide variety of birds while repelling "**PESKY**" squirrels from your bird feeding environment.

Birds love the taste of Pepper Treat™ because they do not taste *capsaicin*, the natural ingredient that makes chili peppers hot. Squirrels and other mammals do not like the hot taste of Pepper Treat™ Wild Bird Seed and soon these persistent intruders will learn to look elsewhere for food.

Feeder Type - As with any bird food mix, Fiesta with Pepper Treat™ works best in platform, hopper or tray feeders allowing individual birds to freely select their favorite seeds.

Filling your Feeder - Watch Out! - The effects of Pepper Treat™ can be felt by all mammals (including humans). Be sure to follow "**Directions for Use**". Rest assured that Pepper Treat's™ irritating effects are temporary and will subside within minutes.

What to Expect - There may be many "**PESKY**" squirrels visiting your feeder that must taste Pepper Treat™ to learn to look elsewhere for food, so do not be surprised if it takes time for Pepper Treat™ to work. If you notice "**PESKY**" squirrels shaking their heads, washing their faces, rubbing their mouths and spending less time at your feeder...**it's working!**

Starting with Pepper Treat - It may take birds several days to become accustomed to the taste of a new birdfood. Mix Fiesta with Pepper Treat™ with your regular birdfood while birds acclimate to the taste of chili pepper.

Note: Mixing with ordinary birdfood will reduce the effects of Pepper Treat on "**PESKY**" squirrels.

It's been 2 weeks and you still have "PESKY**" Squirrels?** - Scarcity of food, seasonality and breeding conditions may impact Pepper Treat's effectiveness. **Solution:** Add Squirrel Free's **Seed Saver** powdered or liquid **Squirrel Repellent** to increase potency while "**PESKY**" squirrels are present. Place Squirrel Free's **Squirrels Alternative** squirrel food nearby to help distract "**PESKY**" squirrels away from your bird feeding environment. Try Squirrel Free **Suet** with Pepper Treat™ for a high energy treat for birds only.

For Best Results - Put out no more birdfood than can be consumed in a week. Any birdfood that remains in a feeder longer than 2 weeks should be discarded and replaced. Feeders should be periodically emptied and cleaned.

New Back Label [EPA # 68563-1]

Questions and Comments - email us at: squirrel free@pcom.net. Our goal is making bird feeding more enjoyable. We can only achieve this through input from you, the customer. Thank you for purchasing Squirrel Free brand products.

Precautionary Statements

HAZARD TO HUMANS AND DOMESTIC ANIMALS

Caution: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Storage and Disposal

Storage: Store Product and treated feed in secure container, in a dry place inaccessible to children and pets.

Disposal: Do not reuse empty container. Wrap container and discard in trash.

Directions for Use

It is a violation of Federal Law to use this product inconsistent with its labeling.

USE RESTRICTIONS: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

APPLICATION DIRECTIONS: Fill feeders or place product on the ground in the manner appropriate for the species of bird that your are trying to attract and feed. Repeat use if squirrels return.

ACTIVE INGREDIENTS:

Capsaicin and related Capsaicinoids*...0.024%

INERT INGREDIENTS:9.976%

TOTAL:100%

*Made from Oleoresin of Capsicum

(HOT PEPPERS) and Ground Hot Peppers

Nutritional Analysis

Crude Protein (Min.) 7%

Crude Fat (Min.) 4%

Crude Fiber (Max.) 20%

Crude Moisture (Max.) 15%

Manufactured for : SQUIRREL FREE INC.

A Subsidiary of Snyder Seed Corporation

225 Great Arrow Avenue

Buffalo, NY 14207

EPA Reg. No.: 68563-1

United States Patent 5672354

Canada Patent 2090315

Ingredients: Millet, Fine Cracked

Corn, Oil Sunflower, Sunflower Hearts,

Ground Red Pepper, Starch.

Foreign patents pending

Handle with Care! Contains Chili Pepper.

Net wt. 8 lb.

July 22, 1999

**SQUIRREL FREE INC
WILD BIRD SEED
PEPPER TREAT™**

PESKY

ORIGINAL
Birds Love It...
Squirrels Don't!

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KEEP OUT OF REACH OF CHILDREN

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NET WEIGHT 8 LB. (3.63 Kg.)

SQUIRREL FREE INC WILD BIRD SEED

Birds Love It ~ Squirrels Don't

Squirrel Free's premium **Original** formula Wild Bird Seed has been University tested and scientifically formulated with our patented Pepper Treat™ brand of chili pepper coating technology. **Original** formula is made from the finest seed ingredients to attract a wide variety of birds while repelling "**PESKY**" squirrels from your bird feeding environment.

Birds love the taste of Pepper Treat™ because they do not taste *capsaicin*, the natural ingredient that makes chili peppers hot. Squirrels and other mammals do not like the hot taste of Pepper Treat™ Wild Bird Seed and soon these persistent intruders will learn to look elsewhere for food.

Feeder Type - As with any bird food mix, **Original** formula with Pepper Treat™ works best in platform, hopper or tray feeders allowing individual birds to freely select their favorite seeds.

Filling your Feeder - Watch Out! - The effects of Pepper Treat™ can be felt by all mammals (including humans). Be sure to follow "**Directions for Use**". Rest assured that Pepper Treat's™ irritating effects are temporary and will subside within minutes.

What to Expect - There may be many "**PESKY**" squirrels visiting your feeder that must taste Pepper Treat™ to learn to look elsewhere for food, so do not be surprised if it takes time for Pepper Treat™ to work. If you notice "**PESKY**" squirrels shaking their heads, washing their faces, rubbing their mouths and spending less time at your feeder...it's **working!**

Starting with Pepper Treat - It may take birds several days to become accustomed to the taste of a new birdfood. Mix **Original** formula with Pepper Treat™ with your regular birdfood while birds acclimate to the taste of chili pepper.

Note: Mixing with ordinary birdfood will reduce the effects of Pepper Treat on "**PESKY**" squirrels.

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Directions for Use

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Buffalo, NY 14207

EPA Reg. No.: 68563-1

United States Patent 5672354

Canada Patent 2090315

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Foreign patents pending

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Net wt. 8 lb.

July 22, 1999

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Notification

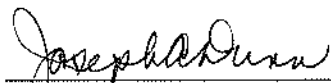
716-636-5107 (phone)
716-636-3630 (fax)

the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50 percent, and the number of people 75 years of age or older has increased by 75 percent. The number of people 85 years of age or older has increased by 150 percent. The number of people 95 years of age or older has increased by 300 percent. The number of people 100 years of age or older has increased by 500 percent. The number of people 105 years of age or older has increased by 1,000 percent. The number of people 110 years of age or older has increased by 2,000 percent. The number of people 115 years of age or older has increased by 4,000 percent. The number of people 120 years of age or older has increased by 8,000 percent. The number of people 125 years of age or older has increased by 16,000 percent. The number of people 130 years of age or older has increased by 32,000 percent. The number of people 135 years of age or older has increased by 64,000 percent. The number of people 140 years of age or older has increased by 128,000 percent. The number of people 145 years of age or older has increased by 256,000 percent. The number of people 150 years of age or older has increased by 512,000 percent. The number of people 155 years of age or older has increased by 1,024,000 percent. The number of people 160 years of age or older has increased by 2,048,000 percent. The number of people 165 years of age or older has increased by 4,096,000 percent. The number of people 170 years of age or older has increased by 8,192,000 percent. The number of people 175 years of age or older has increased by 16,384,000 percent. The number of people 180 years of age or older has increased by 32,768,000 percent. The number of people 185 years of age or older has increased by 65,536,000 percent. The number of people 190 years of age or older has increased by 131,072,000 percent. The number of people 195 years of age or older has increased by 262,144,000 percent. The number of people 200 years of age or older has increased by 524,288,000 percent. The number of people 205 years of age or older has increased by 1,048,576,000 percent. The number of people 210 years of age or older has increased by 2,097,152,000 percent. The number of people 215 years of age or older has increased by 4,194,304,000 percent. The number of people 220 years of age or older has increased by 8,388,608,000 percent. The number of people 225 years of age or older has increased by 16,777,216,000 percent. The number of people 230 years of age or older has increased by 33,554,432,000 percent. The number of people 235 years of age or older has increased by 67,108,864,000 percent. The number of people 240 years of age or older has increased by 134,217,728,000 percent. The number of people 245 years of age or older has increased by 268,435,456,000 percent. The number of people 250 years of age or older has increased by 536,870,912,000 percent. The number of people 255 years of age or older has increased by 1,073,741,824,000 percent. The number of people 260 years of age or older has increased by 2,147,483,648,000 percent. The number of people 265 years of age or older has increased by 4,294,967,296,000 percent. The number of people 270 years of age or older has increased by 8,589,934,592,000 percent. The number of people 275 years of age or older has increased by 17,179,869,184,000 percent. The number of people 280 years of age or older has increased by 34,359,738,368,000 percent. The number of people 285 years of age or older has increased by 68,719,476,736,000 percent. The number of people 290 years of age or older has increased by 137,438,953,472,000 percent. The number of people 295 years of age or older has increased by 274,877,906,944,000 percent. The number of people 300 years of age or older has increased by 549,755,813,888,000 percent. The number of people 305 years of age or older has increased by 1,099,511,627,776,000 percent. The number of people 310 years of age or older has increased by 2,199,023,255,552,000 percent. The number of people 315 years of age or older has increased by 4,398,046,511,104,000 percent. The number of people 320 years of age or older has increased by 8,796,093,022,208,000 percent. The number of people 325 years of age or older has increased by 17,592,186,044,416,000 percent. The number of people 330 years of age or older has increased by 35,184,372,088,832,000 percent. The number of people 335 years of age or older has increased by 70,368,744,177,664,000 percent. The number of people 340 years of age or older has increased by 140,737,488,355,328,000 percent. The number of people 345 years of age or older has increased by 281,474,976,710,656,000 percent. The number of people 350 years of age or older has increased by 562,949,953,421,312,000 percent. The number of people 355 years of age or older has increased by 1,125,899,906,842,624,000 percent. The number of people 360 years of age or older has increased by 2,251,799,813,685,248,000 percent. The number of people 365 years of age or older has increased by 4,503,599,627,370,496,000 percent. The number of people 370 years of age or older has increased by 9,007,199,254,740,992,000 percent. The number of people 375 years of age or older has increased by 18,014,398,509,481,984,000 percent. The number of people 380 years of age or older has increased by 36,028,797,018,963,968,000 percent. The number of people 385 years of age or older has increased by 72,057,594,037,927,936,000 percent. The number of people 390 years of age or older has increased by 144,115,188,075,855,872,000 percent. The number of people 395 years of age or older has increased by 288,230,376,151,711,744,000 percent. The number of people 400 years of age or older has increased by 576,460,752,303,423,488,000 percent. The number of people 405 years of age or older has increased by 1,152,921,504,606,846,976,000 percent. The number of people 410 years of age or older has increased by 2,305,843,009,213,693,952,000 percent. The number of people 415 years of age or older has increased by 4,611,686,018,427,387,904,000 percent. The number of people 420 years of age or older has increased by 9,223,372,036,854,775,808,000 percent. The number of people 425 years of age or older has increased by 18,446,744,073,709,551,616,000 percent. The number of people 430 years of age or older has increased by 36,893,488,147,419,103,232,000 percent. The number of people 435 years of age or older has increased by 73,786,976,294,838,206,464,000 percent. The number of people 440 years of age or older has increased by 147,573,952,589,676,412,928,000 percent. The number of people 445 years of age or older has increased by 295,147,905,179,352,825,856,000 percent. The number of people 450 years of age or older has increased by 590,295,810,358,705,651,712,000 percent. The number of people 455 years of age or older has increased by 1,180,591,620,717,411,303,424,000 percent. The number of people 460 years of age or older has increased by 2,361,183,241,434,822,606,848,000 percent. The number of people 465 years of age or older has increased by 4,722,366,482,869,645,213,696,000 percent. The number of people 470 years of age or older has increased by 9,444,732,965,739,290,427,392,000 percent. The number of people 475 years of age or older has increased by 18,889,465,931,478,580,854,784,000 percent. The number of people 480 years of age or older has increased by 37,778,931,862,957,161,709,568,000 percent. The number of people 485 years of age or older has increased by 75,557,863,725,914,323,419,136,000 percent. The number of people 490 years of age or older has increased by 151,115,727,451,828,646,838,272,000 percent. The number of people 495 years of age or older has increased by 302,231,454,903,657,293,676,544,000 percent. The number of people 500 years of age or older has increased by 604,462,909,807,314,587,353,088,000 percent. The number of people 505 years of age or older has increased by 1,208,925,819,614,629,174,706,176,000 percent. The number of people 510 years of age or older has increased by 2,417,851,639,229,258,349,412,352,000 percent. The number of people 515 years of age or older has increased by 4,835,703,278,458,516,698,824,704,000 percent. The number of people 520 years of age or older has increased by 9,671,406,556,917,033,397,649,408,000 percent. The number of people 525 years of age or older has increased by 19,342,813,113,834,066,795,298,816,000 percent. The number of people 530 years of age or older has increased by 38,685,626,227,668,133,590,597,632,000 percent. The number of people 535 years of age or older has increased by 77,371,252,455,336,267,181,195,264,000 percent. The number of people 540 years of age or older has increased by 154,742,504,910,672,534,362,390,528,000 percent. The number of people 545 years of age or older has increased by 309,485,009,821,345,068,724,781,056,000 percent. The number of people 550 years of age or older has increased by 618,970,019,642,690,137,449,562,112,000 percent. The number of people 555 years of age or older has increased by 1,237,940,039,285,380,274,899,124,224,000 percent. The number of people 560 years of age or older has increased by 2,475,880,078,570,760,549,798,248,448,000 percent. The number of people 565 years of age or older has increased by 4,951,760,157,141,521,099,596,496,896,000 percent. The number of people 570 years of age or older has increased by 9,903,520,314,283,042,199,193,993,792,000 percent. The number of people 575 years of age or older has increased by 19,807,040


Joseph A. Dunn, Ph.D.
President

standing
ne or by fax at the

This notification is consistent with the provisions of PR notice 95-2 and EPA regulations at 40-CFR 152.46, and no other changes have been made to the labeling or Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.P.C. section 1001 to willfully make any false statement to EPA. I understand that if this notification is not consistent with the terms of PR notice 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.



Joseph A. Dunn, Ph.D.



Snyder Seed Corp.

Nov. 13, 1998

| | | | |
|---|--|--|-------------------------------------|
|  | United States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other | OPP Identifier Number 257620 |
| | Application for Pesticide - Section I | | |

| | | |
|--|---|---|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Dr. Roy Sjoblad | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product Name "Pepper-Treat" - Wild Bird Seed | PMS 91 | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A subsidiary of Snyder Seed Corp. 1576 Sweet Home Rd. Amherst, NY, 14228 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

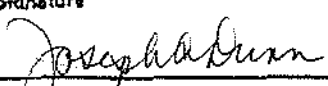
Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of "other revisions" per PR Notice 95-2 (II.A.12)

Section - III

| | | | | | |
|---|--|--|-----------------------|--|---|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | <input type="checkbox"/> Metal | |
| * Certification must be submitted | If "Yes" Unit Packaging wgt. 8 lbs. | No. per container bag | If "Yes" Package wgt. | No. per container | <input checked="" type="checkbox"/> Plastic |
| | | | | | <input type="checkbox"/> Glass |
| | | | | | <input type="checkbox"/> Paper |
| | | | | | Other (Specify) _____ |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 lb bags | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product | | <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | |

Section - IV

| | | |
|---|--------------------------|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | |
| Name Joseph A. Dunn | Title President | Telephone No. (Include Area Code) (716) 635-5107 |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature  | 3. Title President | |
| 4. Typed Name Joseph A. Dunn | 5. Date Nov. 13, 1998 | |



Biopesticides and
Pollution
Prevention
Division

FAX

NUMBER OF PAGES: 4

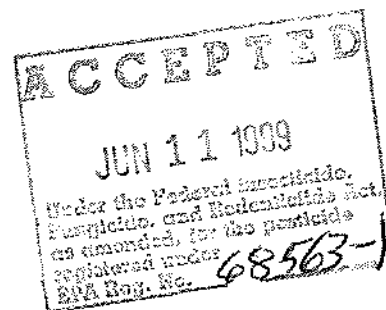
TO: William Schregel
Schneider Seed Corp.

DATE: June 14, 1999

FROM: Richard King
US Environmental Protection Agency.
Office of Pesticide Programs
Biopesticides & Pollution Prevention Division (7501W)
401 M St, S.W., Washington, D.C. 20460
Phone (FAX): (703) 308-7026
Phone (Voice): (703) 308-8052

MESSAGE: Attached is a stamped copy of your product label as requested.

Rk



**SQUIRREL FREE INC
WILD BIRD SEED
PEPPER TREAT™**

PESKY

FIESTA
Birds Love It...
Squirrels Don't!

ACTIVE INGREDIENTS:

Capsaicin and Related Capsaicinoids*: 0.024%

INERT INGREDIENTS: 99.976%

TOTAL: 100%

*Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 LB. (3.63 Kg.)

SQUIRREL FREE INC WILD BIRD SEED

Birds Love It ~ Squirrels Don't

Squirrel Free's premium Fiesta Wild Bird Seed has been University tested and scientifically formulated with our patented Pepper Treat™ brand of chili pepper coating technology. Fiesta is made from the finest seed ingredients to attract a wide variety of birds while repelling "PESKY" squirrels from your bird feeding environment.

Birds love the taste of Pepper Treat™ because they do not taste *capsaicin*, the natural ingredient that makes chili peppers hot. Squirrels and other mammals do not like the hot taste of Pepper Treat™ Wild Bird Seed and soon these persistent intruders will learn to look elsewhere for food.

Feeder Type - As with any bird food mix, Fiesta with Pepper Treat™ works best in platform, hopper or tray feeders allowing individual birds to freely select their favorite seeds.

Filling your Feeder - Watch Out! - The effects of Pepper Treat™ can be felt by all mammals (including humans). Be sure to follow "Directions for Use". Rest assured that Pepper Treat's™ irritating effects are temporary and will subside within minutes.

What to Expect - There may be many "PESKY" squirrels visiting your feeder that must taste Pepper Treat™ to learn to look elsewhere for food, so do not be surprised if it takes time for Pepper Treat™ to work. If you notice "PESKY" squirrels shaking their heads, washing their faces, rubbing their mouths and spending less time at your feeder...it's working!

Starting with Pepper Treat - It may take birds several days to become accustomed to the taste of a new birdfood. Mix Fiesta with Pepper Treat™ with your regular birdfood while birds acclimate to the taste of chili pepper.

Note: Mixing with ordinary birdfood will reduce the effects of Pepper Treat on "PESKY" squirrels.

It's been 2 weeks and you still have "PESKY" Squirrels? - Scarcity of food, seasonality and breeding conditions may impact Pepper Treat's effectiveness. **Solution:** Add Squirrel Free's Seed Saver powdered or liquid Squirrel Repellent to increase potency while "PESKY" squirrels are present. Place Squirrel Free's Squirrels Alternative squirrel food nearby to help distract "PESKY" squirrels away from your bird feeding environment. Try Squirrel Free Suet with Pepper Treat™ for a high energy treat for birds only.

For Best Results - Put out no more birdfood than can be consumed in a week. Any birdfood that remains in a feeder longer than 2 weeks should be discarded and replaced. Feeders should be periodically emptied and cleaned.

New Back Label [EPA # 68563-1]

Questions and Comments - email us at: squirrel free@pcom.net. Our goal is making bird feeding more enjoyable. We can only achieve this through input from you, the customer. Thank you for purchasing Squirrel Free brand products.

Precautionary Statements

HAZARD TO HUMANS AND DOMESTIC ANIMALS

Caution: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Storage and Disposal

Storage: Store Product and treated feed in secure container, in a dry place inaccessible to children and pets.

Disposal: Do not reuse empty container. Wrap container and discard in trash.

Directions for Use

It is a violation of Federal Law to use this product inconsistent with its labeling.

USE RESTRICTIONS: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

APPLICATION DIRECTIONS: Fill feeders or place product on the ground in the manner appropriate for the species of bird that you are trying to attract and feed. Repeat use if squirrels return.

ACTIVE INGREDIENTS:

Capsaicin and related Capsaicinoids*...0.024%

INERT INGREDIENTS:9.976%

TOTAL:100%

*Made from Oleoresin of Capsicum

(HOT PEPPERS) and Ground Hot Peppers

Nutritional Analysis

Crude Protein (Min.) 7%

Crude Fat (Min.) 4%

Crude Fiber (Max.) 20%

Crude Moisture (Max.) 15%

Manufactured for : SQUIRREL FREE INC.

A Subsidiary of Snyder Seed Corporation

225 Great Arrow Avenue

Buffalo, NY 14207

EPA Reg. No.: 68563-1

United States Patent 5672354

Canada Patent 2090315

Ingredients: Millet, Fine Cracked

Corn, Oil Sunflower, Sunflower Hearts,

Ground Red Pepper, Starch.

Foreign patents pending

Handle with Care! Contains Chili Pepper.

Net wt. 8 lb.



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☒ Amendment
☐ Other

Approval expires 2-28
OPP Identifier Number

Application for Pesticide - Section I

| | | |
|--|--|---|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Richard King | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) "Pepper-Treat" Wild Bird Seed | PM# | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free, Inc. A Subsidiary of Snyder Seed Corp. 225 Great Arrow Avenue Buffalo, N.Y. 14207 <input checked="" type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input checked="" type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

See attached labels.

No changes made to either product composition or product usage.

Section - III

| | | | | | |
|--|--|---|------------------------|---|-------------------|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | |
| * Certification must be submitted | | If "Yes" Unit Packaging wgt. 8 lbs. | No. per container 1 | If "Yes" Package wgt. | No. per container |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 lb bags | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label | |
| 6. Manner in Which Label Is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | | <input type="checkbox"/> Other _____ | |

Section - IV

| | | |
|--|-----------------------------|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | |
| Name William D. Schregel | Title Quality Control | Telephone No. (Include Area Code) (716) 636-5107 |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title Quality Control | |
| 4. Typed Name William D. Schregel | 5. Date June 4, 1999 | |

Snyder Seed Corp.
225 Great Arrow Avenue
Buffalo, N.Y. 14207

716-636-5107 (phone)
716-636-3630 (fax)

June 4, 1999

Document Processing Desk (AMEND)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460-0001

Dear Richard,

We are requesting the approval of several changes to our current stamped label for Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed (EPA Registration Number 68563-1). We have made no changes to either product composition or usage.

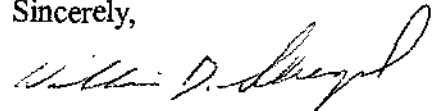
As per our telephone conversation, enclosed please find:

- EPA form 8570-1 requesting an amendment to our label
- our most recent stamped approved label for EPA registration number 68563-1
- a text version of our intended label
- a text version of our intended label with desired changes highlighted

In addition to these changes, we intend to change the name of the product from "**Pepper Treat**" Wild Bird Seed to **Fiesta**. I'm assuming this will require additional paperwork. Would you please advise.

Please call or fax with comments at the above numbers. As always, thank you for your help.

Sincerely,

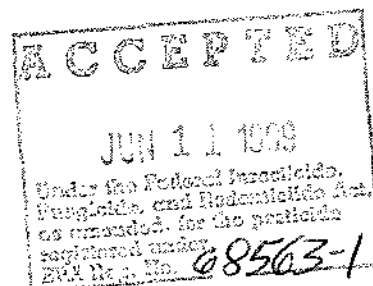


William D. Schregel
Quality Control

**SQUIRREL FREE INC
WILD BIRD SEED
PEPPER TREAT™**

PESKY

FIESTA
Birds Love It...
Squirrels Don't!



ACTIVE INGREDIENTS:

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INERT INGREDIENTS: 99.976%

TOTAL: 100%

*Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

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**SQUIRREL FREE INC
WILD BIRD SEED**

Birds Love It ~ Squirrels Don't

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New Back Label [EPA # 68563-1]

Questions and Comments - email us at: squirrel free@pcom.net. Our goal is making bird feeding more enjoyable. We can only achieve this through input from you, the customer. Thank you for purchasing Squirrel Free brand products.

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Manufactured for : SQUIRREL FREE INC.

A Subsidiary of Snyder Seed Corporation

225 Great Arrow Avenue

Buffalo, NY 14207

EPA Reg. No.: 68563-1

United States Patent 5672354

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Ingredients: Millet, Fine Cracked

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Ground Red Pepper, Starch.

Foreign patents pending

Handle with Care! Contains Chili Pepper.

Net wt. 8 lb.

Snyder Seed Corporation

[NEW FRONT LABEL (EPA # 68563-1)]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.
Contains Sunflower Hearts.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.
IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 lbs.
3.63 Kg.

ACCEPTED
with COMMENTS
In EPA Letter Dated
01/22/98
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
68563-1

Snyder Seed Corporation

[NEW BACK LABEL (EPA # 68563-1), INCLUDING PREVIOUS CHANGES MADE VIA THE NOVEMBER 11, 1997 NOTIFICATION]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading into feeders situated near or above eye level.

STORAGE AND DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Registration Number: 68563-1

EPA Est. No.: 30120-OH-1

NET WEIGHT 8 lbs.

NUTRITIONAL ANALYSIS:

Crude Protein: 7% (Minimum)

Crude Fat: 4% (Minimum)

Crude Fiber: 20% (Maximum)

Crude Moisture: 15% (Maximum)

Ingredients:

Millet, Fine Cracked Corn, Oil Sunflower,
Sunflower Hearts, Ground Red Pepper,
Starch.

Contains Chili Pepper Handle With Care

1576 Sweet Home Road • Amherst • New York • 14228

716-636-5107 • 716-636-3630

**SQUIRREL FREE INC
WILD BIRD SEED
PEPPER TREAT™**

PESKY

FIESTA
Birds Love It...
Squirrels Don't!

ACTIVE INGREDIENTS:

Capsaicin and Related Capsaicinoids*: 0.024%

INERT INGREDIENTS: 99.976%

TOTAL: 100%

*Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 LB. (3.63 Kg.)

SQUIRREL FREE INC WILD BIRD SEED

Birds Love It ~ Squirrels Don't

Squirrel Free's premium **Fiesta** Wild Bird Seed has been University tested and scientifically formulated with our patented **Pepper Treat™** brand of chili pepper coating technology. **Fiesta** is made from the finest seed ingredients to attract a wide variety of birds while repelling "**PESKY**" squirrels from your bird feeding environment.

Birds love the taste of **Pepper Treat™** because they do not taste *capsaicin*, the natural ingredient that makes chili peppers hot. Squirrels and other mammals do not like the hot taste of **Pepper Treat™** Wild Bird Seed and soon these persistent intruders will learn to look elsewhere for food.

Feeder Type - As with any bird food mix, **Fiesta** with **Pepper Treat™** works best in platform, hopper or tray feeders allowing individual birds to freely select their favorite seeds.

Filling your Feeder - Watch Out! - The effects of **Pepper Treat™** can be felt by all mammals (including humans). Be sure to follow "**Directions for Use**". Rest assured that **Pepper Treat's™** irritating effects are temporary and will subside within minutes.

What to Expect - There may be many "**PESKY**" squirrels visiting your feeder that must taste **Pepper Treat™** to learn to look elsewhere for food, so do not be surprised if it takes time for **Pepper Treat™** to work. If you notice "**PESKY**" squirrels shaking their heads, washing their faces, rubbing their mouths and spending less time at your feeder...**It's working!**

Starting with Pepper Treat - It may take birds several days to become accustomed to the taste of a new birdfood. Mix **Fiesta** with **Pepper Treat™** with your regular birdfood while birds acclimate to the taste of chili pepper.

Note: Mixing with ordinary birdfood will reduce the effects of **Pepper Treat** on "**PESKY**" squirrels.

It's been 2 weeks and you still have "PESKY" Squirrels? - Scarcity of food, seasonality and breeding conditions may impact **Pepper Treat's** effectiveness. **Solution:** Add Squirrel Free's **Seed Saver** powdered or liquid **Squirrel Repellent** to increase potency while "**PESKY**" squirrels are present. Place Squirrel Free's **Squirrels Alternative** squirrel food nearby to help distract "**PESKY**" squirrels away from your bird feeding environment. Try Squirrel Free **Suet** with **Pepper Treat™** for a high energy treat for birds only.

For Best Results - Put out no more birdfood than can be consumed in a week. Any birdfood that remains in a feeder longer than 2 weeks should be discarded and replaced. Feeders should be periodically emptied and cleaned.

New Back Label [EPA # 68563-1]

Questions and Comments - email us at: squirrel.free@pcom.net. Our goal is making bird feeding more enjoyable. We can only achieve this through input from you, the customer. Thank you for purchasing Squirrel Free brand products.

Precautionary Statements

HAZARD TO HUMANS AND DOMESTIC ANIMALS

Caution: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

Storage and Disposal

Storage: Store Product and treated feed in secure container, in a dry place inaccessible to children and pets.

Disposal: Do not reuse empty container. Wrap container and discard in trash.

Directions for Use

It is a violation of Federal Law to use this product inconsistent with its labeling.

USE RESTRICTIONS: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

APPLICATION DIRECTIONS: Fill feeders or place product on the ground in the manner appropriate for the species of bird that you are trying to attract and feed. Repeat use if squirrels return.

ACTIVE INGREDIENTS:

Capsaicin and related Capsaicinoids*...0.024%

INERT INGREDIENTS:9.976%

TOTAL:100%

*Made from Oleoresin of Capsicum

(HOT PEPPERS) and Ground Hot Peppers

Nutritional Analysis

Crude Protein (Min.) 7%

Crude Fat (Min.) 4%

Crude Fiber (Max.) 20%

Crude Moisture (Max.) 15%

Manufactured for : SQUIRREL FREE INC.

A Subsidiary of Snyder Seed Corporation

225 Great Arrow Avenue

Buffalo, NY 14207

EPA Reg. No.: 68563-1

United States Patent 5672354

Canada Patent 2090315

Ingredients: Millet, Fine Cracked

Corn, Oil Sunflower, Sunflower Hearts,

Ground Red Pepper, Starch.

Foreign patents pending

Handle with Care! Contains Chili Pepper.

Net wt. 8 lb.

DUK KIM

Snyder Seed Corp.
1576 Sweet Home Road
Amherst, New York
14228

716-0636-5107 (phone)
716-636-3630 (fax)

*1. signature
2. response
necessary
2X
11/23/98*

November 11, 1997

Dr. Roy Sjoblad
U.S. Environmental Protection Agency
Biochemical Pesticides Branch
Biopesticides and Pollution Prevention Division (7501W)
401 M Street, SW
Washington, DC 20460

Dear Dr. Sjoblad,

Pursuant to EPA PR notice 95-2 and chapter 152.46 of CRF 40, I am notifying your office of certain additions we need to make to the front and back label of Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed (E.P.A. Registration Number 68563-1). These additions are necessary to better inform the consumer about our product at the point of purchase. This letter supersedes the correspondence I sent to Mr. Dan Peacock last week, who in turn forwarded them to you.


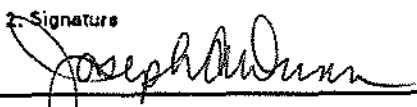
Enclosed please find EPA form 8570-1, a signed statement of understanding concerning this notification, the original EPA approved labels for this product with EPA comments and corrections, and the revised labels.

The additions are highlighted on the enclosed copies of the revised labels with pink marker.

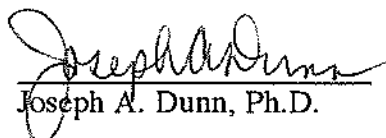
Please note that the descriptive paragraph requested for the back of the bag utilizes language already approved by your office.

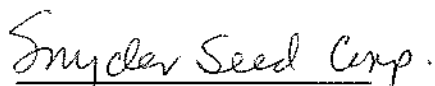
Sincerely,

Joseph A. Dunn
Joseph A. Dunn, Ph.D.
President

| | | | |
|--|--|--|---|
|  <div style="display: inline-block; vertical-align: middle;"> United States Environmental Protection Agency Washington, DC 20480 </div> | | <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other | OPP Identifier Number <div style="font-size: 24pt; font-weight: bold;">257620</div> |
| Application for Pesticide - Section I | | | |
| 1. Company/Product Number: 68531-1 68563-1 | | 2. EPA Product Manager Dr. Roy Sjoblad | |
| 4. Company/Product (Name) "Pepper-Treat"-Wild Bird Seed | | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A subsidiary of Snyder Seed Corp. 1576 Sweet Home Rd. Amherst, NY, 14228 <input type="checkbox"/> Check if this is a new address | | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) 1b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |
| Section - II | | | |
| <input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below. | | <input type="checkbox"/> Final printed label in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application. <input type="checkbox"/> Other - Explain below. | |
| Explanation: Use additional page(s) if necessary. (For section I and Section II.) Notification of "other revisions" per PR Notice 95-2(II.A.12) | | | |
| Section - III | | | |
| 1. Material This Product Will Be Packaged In: | | | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. 8 lbs. | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" Package wgt. _____ | 2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ |
| 3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 lb bags | |
| 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | | 6. Manner In Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | |
| Section - IV | | | |
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | |
| Name: Joseph A. Dunn | | Title: President | |
| | | Telephone No. (Include Area Code) (716) 636-5107 | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | | 8. Date Application Received <div style="font-size: 18pt; font-weight: bold;">(Stamped)</div> |
| 2. Signature  | | 3. Title President | |
| 4. Typed Name Joseph A. Dunn | | 5. Date Nov. 10, 1997 | |

This notification is consistent with the provisions of PR notice 95-2 and EPA regulations at 40-CFR 152.46, and no other changes have been made to the labeling or Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.P.C. section 1001 to willfully make any false statement to EPA. I understand that if this notification is not consistent with the terms of PR notice 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.


Joseph A. Dunn, Ph.D.


Snyder Seed Corp.

November 11, 1997

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Bird Seed that has been treated to discourage feeding by squirrels.
Contains all natural ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R EPA Est. No.:
NET WEIGHT 8 lbs.

MAINTENANCE
MAY 20 1997
68563-1

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION (75-767)
WASHINGTON, DC 20460

EPA REGISTRATION NO.

68563-1

DATE OF ISSUANCE

MAY 20 1987

TERM OF ISSUANCE

NAME OF PESTICIDE PRODUCT

Pepper Treat™ Wild Bird Seed

NOTICE OF PESTICIDE: ☒ REGISTRATION
☐ REREGISTRATION
(Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended)

NAME AND ADDRESS OF REGISTRANT (Include ZIP code)

Squirrel Free Inc.
Subsidiary of Snyder Seed Corp
1576 Sweet Home Road
Amherst, NY 14228

Attention: Dr. Joseph A. Dunn

NOTE: Changes in labeling formula differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above U.S. EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby Registered/Reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act.

A copy of the labeling accepted in connection with this Registration/Reregistration is returned herewith.

Registration is in no way to be construed as an indorsement or approval of this product by this Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)(5) provided that you:

- A. Make the labeling changes listed below and submit one (1) copy of final printed labeling before you release the product for shipment:
 1. Add "EPA Reg. No. 68563-1" to your label.
 2. On the Front Panel, place "Squirrel Free Inc.'s" above "Pepper Treat™ Wild Bird Seed" and make all characters of the product name the same type size. In this way, the reader will recognize that "Squirrel Free" is your company name and not a label claim.
 3. In the claim beneath your product's name, change "squirrels" to "tree squirrels".
 4. Change "Contains all natural ingredients", which is prohibited by the Regulations [40 CFR 156.10(a)(5)(x)(A)] to "Contains all food grade ingredients", if this is a true statement.

☒ ATTACHMENT IS APPLICABLE

SIGNATURE OF APPROVING OFFICIAL

DATE

MAY 20 1987

5. Revise your "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

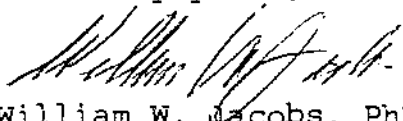
Since your "CAUTION" statement appears on the Front Panel, it need not be repeated here.

6. Move the "Application Directions" so that they follow the "Use Restrictions" subsection of the "DIRECTIONS FOR USE".
7. In the first sentence of your "Use Restrictions", change "squirrels" to "gray, red, and fox squirrels".
- B. You will need to relabel all existing stocks in your possession with the new labeling.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have questions about this registration, please contact Mr. Dan Peacock at 703-305-5407. A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Enclosures: 1. Stamped Label
2. A-79 Enclosure

Confidential Statement of Formula may be entitled to confidential treatment

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray, red, and fox squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA Reg. Number: 68563-1 EPA Est. No.:

NET WEIGHT 8 lbs.

[NEW FRONT LABEL (EPA # 68563-1)]

Squirrel Free Inc
Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.

Contains all food grade ingredients.

Contains chili pepper-handle with care.

Contains sunflower hearts.

No fillers.

Pepper Coated.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.24%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 lbs.

3.63 Kg.

[NEW BACK LABEL (EPA # 68563-1)]

Squirrel Free Inc.

Introduces

Pepper-Treat™

Pepper-Coated Wild Bird Seed

Finally, you can enjoy feeding birds instead of tree squirrels.

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading into feeders situated near or above eye level.

STORAGE AND DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Registration Number: 68563-1

EPA Est. No.: 30120-GFI-1

NET WEIGHT 8 lbs.



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

257619

Application for Pesticide - Section I

| | | |
|--|---|--|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Dan PEacock | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Pepper Treat TM Wild Bird Seed | PM# 04 | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A Sub. of Snyder Seed Corp. 1576 Sweet Home Road <input type="checkbox"/> West Amherst, NY 14228 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | | |
|--|--|---|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ | NOTIFICATION OCT 15 1997 |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. | |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. | |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

refer to cover letter
change in formulator - formulation process does not change

Section - III

| | | | | | |
|---|---|--|--|---|--|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | | |
| * Certification must be submitted If "Yes" Unit Packaging wgt. No. per container If "Yes" Package wgt. No. per container | | | | | |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Containers | | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | | | |

Section - IV

| | | | | |
|--|--|---|--|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | | |
| Name Joseph A. Dunn, Ph.D. | | Title President | | |
| | | Telephone No. (Include Area Code) 716-636-5107 | | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law. | | | 6. Date Application Received (Stamped) 9/30/97 | |
| 2. Signature | | 3. Title President | | |
| 4. Typed Name Joseph A. Dunn, Ph.D. | | 5. Date 9/30/97 | | |
| 6. Date Application Received (Stamped) 9/30/97 | | | | |



United States
Environmental Protection Agency
Washington, DC 20460

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

257619

Application for Pesticide - Section I

| | | |
|---|--|--|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Dan PEacock | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Pepper Treat TM Wild Bird Seed | PM# 04 | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A Sub. of Snyder Seed Corp. 1576 Sweet Home Road West Amherst, NY 14228 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

refer to cover letter

change in formulator - formulation process does not change

Section - III

| | | | |
|---|---|--|---|
| 1. Material This Product Will Be Packaged In: | | | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per container | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt No. per container | 2. Type of Container <input checked="" type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | |

Section - IV

| | | | |
|---|-----------------------|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | |
| Name Joseph A. Dunn, Ph.D. | Title President | Telephone No. (include Area Code) 866-636-5107 | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment both under applicable law. | | | 6. Date Application Received (Stamped) 9/30/97 |
| 2. Signature | 3. Title President | | |
| 4. Typed Name Joseph A. Dunn, Ph.D. | 5. Date 9/30/97 | | |

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray, red, and fox squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Reg. No.: 68563-1 EPA Est. No.: 30120-OH-1

NET WEIGHT 8 lbs.

Snyder Seed Corp./Squirrel Free Inc.

September 26, 1997

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460-0001

Reference: Pepper TreatTM Wild Bird Seed (EPA Reg. No. 68463-1)
Notification of Change in Formulator per PR Notice 95-2

Dear Sir /Madam:

Snyder Seed/Squirrel Free is notifying the USEPA that the formulator of Pepper TreatTM Wild Bird Seed will change from Innovative Technologies to Buckeye Feed Mills, Inc. Only the formulator of this product will change; the formulation process will remain unchanged. Thus, please find one copy of the revised Confidential Statement of Formula and one copy of the revised label that reflect this change.

This notification is consistent with the provisions of PR Notice 95-2 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula on this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Please call either Cathy Shea at 703-847-7407 or me at 716-636-5107 if you have any questions or if we can be of further assistance.

Sincerely,



Joseph A. Dunn, Ph.D.
President

1576 Sweet Home Road • Amherst • New York • 14228

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 22 1998

Dr. Joseph A. Dunn
Squirrel Free Inc.
Subsidiary of Synder Seed Corporation
1576 Sweet Home Road
Amherst, NY 14228

Subject: Pepper-Treat Wild Bird Seed
EPA Registration Number 68563-1
Submissions dated Nov. 3, 1997 and Dec. 31, 1997

Dear Dr. Dunn:

We have completed our review of the label revisions proposed in your letters of November 3, 1997 and December 31, 1997.

In response to the label revisions proposed in your letter dated November 3, 1997, we have no objection to the addition of a graphic of a Sunflower with the words "Contains Sunflower Hearts" to the front label of this product. We do however, request that the text of the descriptive paragraphs for the back label be revised to conform with our efficacy evaluation for this product and our policies regarding vertebrate repellents:

"Squirrel Free Inc. introduces new Pepper-Treat Wild Bird Seed specially formulated with sunflower hearts and a chili pepper coating to discourage feeding by Tree Squirrels and to attract only birds to your feeder. Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot.

Tree Squirrels do not like the taste of Squirrel Free Inc.'s Pepper-Treat Wild Birds Seed and will look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat Wild Bird Seed for at least one week."

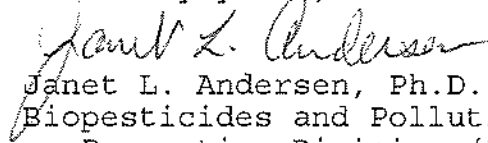
In answer to your question regarding the use of terms in multiple places on the bag (i.e., use of "Squirrel Free Pepper-Treat Wild Bird Seed on the front and back of the bag.), yes this is acceptable.

| CONCURRENCES | | | | | | | |
|--------------|----------|-------------|--|--|--|--|--|
| SYMBOL | 75/11/12 | 25/11/12 | | | | | |
| SURNAME | R. King | [Signature] | | | | | |
| DATE | 1/15/98 | 2/24/98 | | | | | |

In reply to your letter dated December 31, 1997, we have no objection to the addition of the nutritional analysis to the label of this product.

At your earliest convenience, please submit five copies of the final printed label incorporating these revisions. If you have any questions concerning our decisions about these label revisions, please do not hesitate to contact Richard King at (703) 308-8052.

Sincerely yours,


Janet L. Andersen, Ph.D., Director
Biopesticides and Pollution
Prevention Division (7511W)

Snyder Seed Corporation

[NEW FRONT LABEL (EPA # 68563-1)]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.
Contains Sunflower Hearts.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 lbs.
3.63 Kg.

ACCEPTED
with COMMENTS
In EPA Letter Dated
01/22/98
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
68563-1

Snyder Seed Corporation

[NEW BACK LABEL (EPA # 68563-1), INCLUDING PREVIOUS CHANGES MADE VIA THE NOVEMBER 11, 1997 NOTIFICATION]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading into feeders situated near or above eye level.

STORAGE AND DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Registration Number: 68563-1

EPA Est. No.: 30120-OH-1

NET WEIGHT 8 lbs.

NUTRITIONAL ANALYSIS:

Crude Protein: 7% (Minimum)

Crude Fat: 4% (Minimum)

Crude Fiber: 20% (Maximum)

Crude Moisture: 15% (Maximum)

Ingredients:

Millet, Fine Cracked Corn, Oil Sunflower,
Sunflower Hearts, Ground Red Pepper,
Starch.

Contains Chili Pepper Handle With Care

1576 Sweet Home Road • Amherst • New York • 14228

716-636-5107 • 716-636-3630

Snyder Seed Corporation

ACCEPTED
with COMMENTS
In EPA Letter Dated
01/22/98
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
68563-1

[NEW FRONT LABEL (EPA # 68563-1)]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.
Contains Sunflower Hearts.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 lbs.
3.63 Kg.

Snyder Seed Corporation

[NEW BACK LABEL (EPA # 68563-1), INCLUDING PREVIOUS CHANGES MADE VIA THE NOVEMBER 11, 1997 NOTIFICATION]

Squirrel Free Inc Pepper Treat™ Wild Bird Seed

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading into feeders situated near or above eye level.

STORAGE AND DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Registration Number: 68563-1

EPA Est. No.: 30120-OH-1

NET WEIGHT 8 lbs.

NUTRITIONAL ANALYSIS:

Crude Protein: 7% (Minimum)

Crude Fat: 4% (Minimum)

Crude Fiber: 20% (Maximum)

Crude Moisture: 15% (Maximum)

Ingredients:

Millet, Fine Cracked Corn, Oil Sunflower,
Sunflower Hearts, Ground Red Pepper,
Starch.

Contains Chili Pepper Handle With Care

1576 Sweet Home Road • Amherst • New York • 14228

716-636-5107 • 716-636-3630

68563-1

Snyder Seed Corporation

Snyder Seed Corp.
1576 Sweet Home Road
Amherst, New York
14228

716-636-5107 (phone)
716-636-3630 (fax)

December 31, 1997

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
401 M Street S.W.
Washington, D.C. 20460-0001

Re: Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed (E.P.A. Registration Number
68563-1)
NOTIFICATION

Dear Sir/Madam,

Pursuant to EPA PR notice 95-2 and chapter 152.46 of CRF 40, I am notifying your office of the following additions we need to make to the back label of Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed (E.P.A. Registration Number 68563-1).

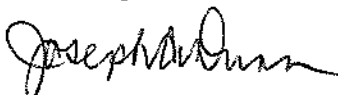
- 1) Nutritional Analysis:
Crude Protein: 7% (Minimum)
Crude Fat: 4% (Minimum)
Crude Fiber: 20% (Maximum)
Crude Moisture: 15% (Maximum)
- 2) Ingredients: Millet, Fine Cracked Corn, Oil Sunflower,
Sunflower Hearts, Ground Red Pepper, Starch.
- 3) Contains Chili Pepper, Handle With Care.

The nutritional and ingredient information is required by State and Federal Agriculture agencies for bird feed.

Enclosed please find EPA form 8570-1, a signed statement of understanding concerning this notification, the original EPA approved labels for this product with EPA comments and corrections, and the revised labels which incorporate changes.

The new additions requested in this letter are highlighted on the enclosed copy of the revised labels with pink marker.

Sincerely,



Joseph A. Dunn, Ph.D.
President

1576 Sweet Home Road • Amherst • New York • 14228
716-636-5107 • 716-636-3630



United States
Environmental Protection Agency
Washington, DC 20480

☐ Registration
☐ Amendment
☒ Other

OPP Identifier Number

257620

Application for Pesticide - Section I

| | | |
|--|---|---|
| 1. Company/Product Number 68563-1 | 2. EPA Product Manager Dr. Roy Sjoblad | 3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product Name "Pepper-Treat" - Wild Bird Seed | PM# 91 | |
| 5. Name and Address of Applicant (Include ZIP Code) Squirrel Free Inc. A subsidiary of Snyder Seed Corp. 1576 Sweet Home Rd. Amherst, NY, 14228 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(ii), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section - II

| | |
|--|---|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed label in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Notification of "other revisions" per PR Notice 95-2 (II.A.12)

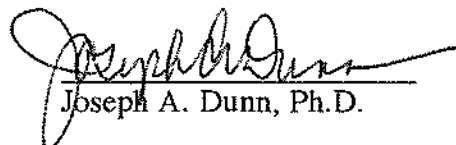
Section - III

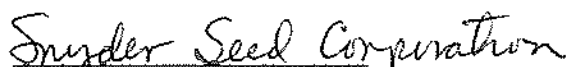
| | | | |
|--|--|---|---|
| 1. Material This Product Will Be Packaged In: | | | |
| Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Unit Packaging <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ |
| * Certification must be submitted | | If "Yes" Unit Packaging wgt. 8 lbs. | No. per container bag |
| 3. Location of Not Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 lb bags | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product |
| 6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | <input type="checkbox"/> Other _____ | |

Section - IV

| | | |
|---|--------------------------|---|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | |
| Name Joseph A. Dunn | Title President | Telephone No. (Include Area Code) (716) 636-5107 |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title President | |
| 4. Typed Name Joseph A. Dunn | 5. Date Dec. 31, 1997 | |

This notification is consistent with the provisions of PR notice 95-2 and EPA regulations at 40-CFR 152.46, and no other changes have been made to the labeling or Confidential Statement of Formula of this product. I understand that it is a violation of 18 U.P.C. section 1001 to willfully make any false statement to EPA. I understand that if this notification is not consistent with the terms of PR notice 95-2 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.


Joseph A. Dunn, Ph.D.


Snyder Seed Corp.

December 31, 1997

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Bird Seed that has been treated to discourage feeding by squirrels.
Contains all natural ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R EPA Est. No.:
NET WEIGHT 8 lbs.

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION (75-767)
WASHINGTON, DC 20460

68563-1

DATE OF ISSUANCE

MAY 7 1997

TERM OF ISSUANCE

NOTICE OF PESTICIDE: ☒ REGISTRATION
☐ REREISTRATION

(Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended)

NAME OF PESTICIDE PRODUCT

Pepper Treat™ Wild Bird Seed

NAME AND ADDRESS OF REGISTRANT (Include ZIP code)

Squirrel Free Inc.
Subsidiary of Snyder Seed Corp
1576 Sweet Home Road
Amherst, NY 14228

Attention: Dr. Joseph A. Dunn

NOTE: Changes in labeling formula differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above U.S. EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby Registered/Reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act.

A copy of the labeling accepted in connection with this Registration/Reregistration is returned herewith.

Registration is in no way to be construed as an endorsement or approval of this product by this Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)(5) provided that you:

A. Make the labeling changes listed below and submit one (1) copy of final printed labeling before you release the product for shipment:

1. Add "EPA Reg. No. 68563-1" to your label.
2. On the Front Panel, place "Squirrel Free Inc.'s" above "Pepper Treat™ Wild Bird Seed" and make all characters of the product name the same type size. In this way, the reader will recognize that "Squirrel Free" is your company name and not a label claim.
3. In the claim beneath your product's name, change "squirrels" to "tree squirrels".
4. Change "Contains all natural ingredients", which is prohibited by the Regulations [40 CFR 156.10(a)(5)(x)(A)] to "Contains all food grade ingredients", if this is a true statement.

☒ ATTACHMENT IS APPLICABLE

SIGNATURE OF APPROVING OFFICIAL

DATE

MAY 20 1997

5. Revise your "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

Since your "CAUTION" statement appears on the Front Panel, it need not be repeated here.

6. Move the "Application Directions" so that they follow the "Use Restrictions" subsection of the "DIRECTIONS FOR USE".

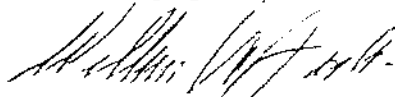
7. In the first sentence of your "Use Restrictions", change "squirrels" to "gray, red, and fox squirrels".

- B. You will need to relabel all existing stocks in your possession with the new labeling.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have questions about this registration, please contact Mr. Dan Peacock at 703-305-5407. A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Enclosures: 1. Stamped Label
2. A-79 Enclosure

Susan L.*Fax transmission from the Office of***REPRESENTATIVE****BILL****PAXON****Office****Phone****Fax**☐ 5500 Main St.
Williamsville, NY 14221

(716) 634-2324 (716) 631-7610

☐ 10 East Main St.
Victor, NY 14564

(716) 742-1600 (716) 742-1976

☒ 2412 Rayburn HOB
Washington, DC 20515

(202) 225-5265 (202) 225-5910

TO: Denise, Dr. Goldman's Office 260-1847FROM: Jackie HawksNUMBER OF PAGES (including cover): 2COMMENTS: Please see that this is
delivered ASAP.
Hard Copy to follow.NOTE: *Please call the transmitting office if any portion of this fax is missing or illegible.*

TOLL FREE TELEPHONE NUMBER:
1-(800) 453-6330

DISTRICT OFFICES:

5900 MAIN STREET
WILLIAMSVILLE, NY 14221
(716) 634-2091
(716) 811-7810 (FAX)

10 EAST MAIN STREET
VICTOR, NY 14564
(716) 742-1800
(716) 742-1976 (FAX)

CAPITOL OFFICE:

2412 RAYBURN
HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5268
(202) 225-3010 (FAX)

INTERNET ADDRESS:

rep.paxon@mail.house.gov



Congress of the United States
House of Representatives

BILL PAXON

27TH DISTRICT, NEW YORK

May 14, 1997

SATELLITE OFFICES:
(BY APPOINTMENT)

420 EAST MAIN STREET
BATAVIA, NY 14020

4 COURT STREET, ROOM 109
GENESEO, NY 14454

611 WEST WASHINGTON STREET
GENEVA, NY 14456

10 LEACH ROAD
LYONS, NY 14489

117 WALL STREET
SENECA FALLS, NY 13148

36 NORTH MAIN STREET
WARSAW, NY 14569

The Honorable Lynn R. Goldman
Assistant Administrator For Prevention, Pesticides and Toxic
Substances
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Administrator Goldman:

On January 30, 1997, a meeting was held in my office with James Aidala of EPA, Doug Parsons, Legislative Affairs for EPA, Susan Lewis, Product Manager for EPA, Cathy Shea, consultant for Squirrel Free, and Joseph Dunn of Squirrel Free Inc., the manufacturer and distributor of a line of bird seed which repels rodents.

At this meeting, it was determined that Squirrel Free Inc. would undergo the normal review process for a pesticide application under EPA regulations for the line of bird seed.

It has been three months since that meeting. I am asking that you provide me with a complete update on the status of this application and a timeline for a final determination so that I may relay this information to my constituents.

Thank you for your attention to this matter and I ask that this request be conducted within the rules and regulations of your agency.

Sincerely,

BILL PAXON
Representative

BP: jh

68563-1

JOE DUNN:

(716) 636-5107

SNYDER SEED CORP.

**BAIRD RESEARCH PARK
1576 SWEET HOME ROAD
WEST AMHERST, NEW YORK 14228**
Phone: (716) 636-5107 ~ Fax: (716) 636-3630

~ FAX TRANSMITTAL SHEET ~

TO: Dan Peacock
ORGANIZATION: US EPA
FAX NUMBER: 703-305-6596
TOTAL PAGES FAXED: 8
FROM: Joseph A. Dunn, Ph.D.

DATE: 11/03/97 **TIME:** 4:15 [PM] EST

MESSAGE:

Dear Dan,

As per my Email to you earlier today, I am sending you both by fax and US Mail our request to make certain changes to the language on the front and back of our bird seed bag (EPA Reg. number 68563-1). These changes are requested so that the consumer can gain greater knowledge about our product at the store level (point of purchase). Since we are expecting a rather larger order for this product from Wal-Mart sometime this month, I would greatly appreciate your help with this issue as soon as possible.

Thanking you in advance for your timely response, I am

Sincerely,


Joe Dunn

NOTE: The information contained in this fax is confidential. It is intended solely for the individual named above. If you receive this fax by mistake, please contact the sender immediately. Thank you.

Snyder Seed Corporation

November 3, 1997

Mr. Dan Peacock
Product Management Team
EPA Registration Division
Crystal Mall Bldg. #2
2nd Floor Mail Rm.
1921 Jefferson Davis Highway
Arlington, VA 22202

Dear Dan,

I am writing to request the following additions to the front and back label of Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed (E.P.A Registration Number 68563-1).

a) Front Label

add a graphic of a sunflower plant with the words "Contains Sunflower Hearts" inside the head of the plant.

b) Back Label

add the following paragraphs:

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

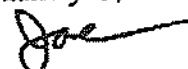
Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

These changes are requested to better inform the consumer about our product. Please note that the descriptive paragraph requested for the back of the bag utilizes language already approved by your office. Lastly, is it acceptable to use terms in multiple places on the bag, i.e., can we use "Squirrel Free Inc.'s. Pepper Treat™ Wild Bird Seed" on the back of the bag as well as the front?

I will contact you by Email or phone later this week regarding a possible time frame for approval.

Thank you,



Joe Dunn

1576 Sweet Home Road • Amherst, New York 14226
(716)-636-5107 (phone) • (716)-636-3630 (fax)

Snyder Seed Corporation

[NEW FRONT LABEL (EPA # 68563-1)]

Squirrel Free Inc. Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.
Contains Sunflower Hearts.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.24%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

NET WEIGHT 8 lbs.
3.63 Kg.

1576 Sweet Home Road • Amherst, New York 14228
(716)-636-5107 (phone) • (716)-636-3630 (fax)

Snyder Seed Corporation

[NEW BACK LABEL (EPA # 68563-1)]

Squirrel Free Inc. Pepper Treat™ Wild Bird Seed

"Squirrel Free Inc. Introduces new Pepper-Treat™ Wild Bird Seed, specially formulated with a chili pepper coating 4 times hotter than your grocer's pepper, with sunflower hearts and the finest ingredients to attract only birds to your feeder.

Birds can freely eat chili peppers because they do not taste capsaicin, the natural ingredient that makes chili peppers hot. In fact, birds love the taste of chili peppers. Scientists believe hot chili peppers evolved to prevent small animals from eating them and to encourage consumption by birds. The undigested seed would then spread pepper plants over greater geographic areas.

Tree Squirrels do not like the hot taste of Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed! These persistent intruders will try Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed, taste the hot chili pepper, and look elsewhere for food. For best results, use Squirrel Free Inc.'s Pepper-Treat™ Wild Bird Seed for at least one week.

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading into feeders situated near or above eye level.

STORAGE AND DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Registration Number: 68563-1

EPA Est. No.: 30120-OH-1

NET WEIGHT 8 lbs.

1576 Sweet Home Road • Amherst, New York 14228

(716)-636-5107 (phone) • (716)-636-3630 (fax)

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC
ANIMALS**

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by squirrels.
Contains all natural ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL

100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.
IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

ACCEPTED
FOR DISTRIBUTION
MAY 20 1997
68563-1

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R EPA Est. No.:
NET WEIGHT 8 lbs.

2

5. Revise your "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

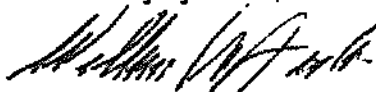
Since your "CAUTION" statement appears on the Front Panel, it need not be repeated here.

6. Move the "Application Directions" so that they follow the "Use Restrictions" subsection of the "DIRECTIONS FOR USE".
7. In the first sentence of your "Use Restrictions", change "squirrels" to "gray, red, and fox squirrels".
- B. You will need to relabel all existing stocks in your possession with the new labeling.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have questions about this registration, please contact Mr. Dan Peacock at 703-305-5407. A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Enclosures: 1. Stamped Label
2. A-79 Enclosure

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray, red, and fox squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

**Squirrel Free Inc.'s
Pepper Treat™ Wild Bird Seed**

Bird Seed that has been treated to discourage feeding by tree squirrels.
Contains all food grade ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL 100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA Reg. Number: 68563-1 EPA Est. No.:

NET WEIGHT 8 lbs.

3/19/11

Author: JDunn1953 <JDunn1953@aol.com> at IN
Date: 11/06/97 02:28 PM
Priority: Normal
BCC: roy sjoblad at DCOPP12
TO: sjoblad.roy@epamail.epa.gov at IN
Subject: Change of label for EPA #68563-1

----- Message Contents -----

From JDunn1953@aol.com
X-Envelope-From: JDunn1953@aol.com
Received: from imo03.mail.aol.com (imo03.mx.aol.com)
by epamail.epa.gov (PMDF V5.1-8 #22480)
with ESMTP id <0EJ8N0KZK00KM8@epamail.epa.gov> for
roy_sjoblad_at_dcopp12@lancelot.rtptok.epa.gov; Thu,
6 Nov 1997 13:50:46 -0500 (EST)
Date: Thu, 06 Nov 1997 13:48:39 -0500 (EST)
From: JDunn1953 <JDunn1953@aol.com>
Subject: Change of label for EPA #68563-1
To: sjoblad.roy@epamail.epa.gov
Message-id: <76f472f6.346210d8@aol.com>
Organization: AOL (<http://www.aol.com>)
MIME-version: 1.0
X-Mailer: Inet_Mail_Out (IMOV10)
Content-type: text/plain; charset=ISO-8859-1
Content-transfer-encoding: quoted-printable

Dear Dr. Sjoblad,=0A=0A=09On November 3rd I sent Dan Peacock a request to=
approve a text change in our=0Afront and back labels for one of our prod=
ucts, EPA reg # 68563-1, "Pepper=0ATreat=99" Wild Bird Seed. Dan inform=
ed me that you are now handling=0Aregistration services for this type of =
product (it contains capsaicin in the=0Aform if chili peppers as its acti=
ve ingredient). Have you received our=0Arequest yet and, if so, do you h=
ave an idea when you may have an answer? We=0Aare expecting a large orde=
r from Wal-Mart and we would like to make these=0Achanges for this order.=
=0A=0AThank you,=0A=0AJoseph A. Dunn, Ph.D.=0ASnyder Seed Corp. Buffalo, =
New York=0A716-636-5107 =0A

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray, red, and fox squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

Bird Seed that has been treated to discourage feeding by tree squirrels.

Contains all food grade ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids

NOT REVIEWED
In Accordance with PR Notice 82-2
Based On Draft Labeling Dated 5/20/97

0.024%

INERT INGREDIENTS

99.976%

TOTAL

100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA File Symbol: 68563-1 EPA Est. No.: 30120-OH-1
NET WEIGHT 8 lbs.

Snyder Seed Corp./Squirrel Free Inc.

June 30, 1997

Mr. Dan Peacock (H7504C)
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division - Team 14
401 M Street, SW
Washington, DC 20460


Reference: Pepper Treat™ Wild Bird Seed (EPA Reg. No. 68563-1)
Seed Saver (EPA Reg. No. 68563-2)
Suet with Pepper Treat™ (EPA Reg. No. 68563-3)
Final Labels

Dear Dan:

Attached are five copies of the final labels for the above referenced end-use products. Please call either Cathy Shea at 703-847-7407 or me at 716-636-5107 if you have any questions or if we can be of further assistance.

Sincerely,



 Joseph A. Dunn, Ph.D.
President

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION (TS-767)
WASHINGTON, DC 20460

EPA REGISTRATION NO.

68563-1

DATE OF ISSUANCE

MAY 20 1997

TERM OF ISSUANCE

NAME OF PESTICIDE PRODUCT

Pepper Treat™ Wild Bird Seed

NOTICE OF PESTICIDE: ☒ REGISTRATION
☐ REREISTRATION

(Under the Federal Insecticide, Fungicide,
and Rodenticide Act, as amended)

NAME AND ADDRESS OF REGISTRANT (Include ZIP code)

Squirrel Free Inc.
Subsidiary of Snyder Seed Corp
1576 Sweet Home Road
Amherst, NY 14228

Attention: Dr. Joseph A. Dunn

5521539
166/17

NOTE: Changes in labeling formula differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above U.S. EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby Registered/Reregistered under the Federal Insecticide, Fungicide, and Rodenticide Act.

A copy of the labeling accepted in connection with this Registration/Reregistration is returned herewith.

Registration is in no way to be construed as an indorsement or approval of this product by this Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(c)(5) provided that you:

A. Make the labeling changes listed below and submit one (1) copy of final printed labeling before you release the product for shipment:

1. Add "EPA Reg. No. 68563-1" to your label.
2. On the Front Panel, place "Squirrel Free Inc.'s" above "Pepper Treat™ Wild Bird Seed" and make all characters of the product name the same type size. In this way, the reader will recognize that "Squirrel Free" is your company name and not a label claim.
3. In the claim beneath your product's name, change "squirrels" to "tree squirrels".
4. Change "Contains all natural ingredients", which is prohibited by the Regulations [40 CFR 156.10(a)(5)(x)(A)] to "Contains all food grade ingredients", if this is a true statement.

☒ ATTACHMENT IS APPLICABLE

SIGNATURE OF APPROVING OFFICIAL

DATE

MAY 20 1997

5. Revise your "PRECAUTIONARY STATEMENTS" as follows:

PRECAUTIONARY STATEMENTS

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwater or rinsate.

Since your "CAUTION" statement appears on the Front Panel, it need not be repeated here.

6. Move the "Application Directions" so that they follow the "Use Restrictions" subsection of the "DIRECTIONS FOR USE".

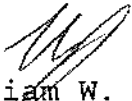
7. In the first sentence of your "Use Restrictions", change "squirrels" to "gray, red, and fox squirrels".

- B. You will need to relabel all existing stocks in your possession with the new labeling.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

If you have questions about this registration, please contact Mr. Dan Peacock at 703-305-5407. A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Enclosures: 1. Stamped Label
2. A-79 Enclosure

Peacock WP#12:A:\Capsaici\68563-1.NOT:305-5407,-6600:5/20/97

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Bird Seed that has been treated to discourage feeding by squirrels.
Contains all natural ingredients.

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL

100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

ACQUITTED
WITH COMMENTS
in EPA Label Manual
MAY 20 1997
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the Pesticide
registered under EPA Reg. No.
68563-1

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R EPA Est. No.:
NET WEIGHT 8 lbs.

same type seed

68563-R

Squirrel Free Inc.'s Pepper Treat™ Wild Bird Seed

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by ^{tree}squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

STORAGE & DISPOSAL

STORAGE: Store treated feed in secure container, in a dry place inaccessible to children and pets.

DISPOSAL: Do not reuse empty container. Wrap container and discard in trash.

Bird Seed that has been treated to discourage feeding by ^{tree}squirrels.

No * → Contains all ~~natural~~ ingredients.
all food grade ingredients

ACTIVE INGREDIENTS

Capsaicin and Related Capsaicinoids* 0.024%

INERT INGREDIENTS 99.976%

TOTAL

100%

* Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

KEEP OUT OF REACH OF CHILDREN

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

FIRST AID

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

See left panel for additional statements.

Manufactured for:

Squirrel Free Inc.

A Subsidiary of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA File Symbol: 68563-R EPA Est. No.:

NET WEIGHT 8 lbs.

working copy
DO NOT
STAMP

DATE OUT: MAY 07 1997

SUBJECT: PRODUCT CHEMISTRY REVIEW OF: MP [] EP [X]
DP BARCODE No.: 235484 REG./File Symbol No.: 68563-R
PRODUCT NAME: Pepper Treat Wild Bird Seed MRID No.: 442454-01
COMPANY: 068563 Snyder Seed Corp EPA RECEIVED DATE: 04/01/97

TO: 14 William Jacobs/Daniel Peacock
Insecticide-Rodenticide Branch
Registration Division (7505C)

FROM: Sami Malak, Chemist *Sami Malak*
Product Chemistry Team Leader
Technical Review Branch/RD (7505W)

INTRODUCTION:

In response to our previous memorandum (S. Malak, D232598, 2/3/97), the applicant, Snyder Seed Corp, submitted additional information in a cover letter dated 3/24/97 plus the manufacturing process of this end-use product, Pepper Treat Wild Bird Seed, Reg. No. 68563-R, contained in MRID #442454-01. In addition, product's label EPA received 4/1/97 and CSF, a basic formulation dated 3/24/97, were also included with this submission. The applicant is seeking registration of this product.

FINDINGS:

1. The submitted information regarding the manufacturing process, identification and quantification of the active ingredients in this end-use product, Pepper Treat Wild Bird Seed, Reg. No. 68563-R, is adequate.
2. The submitted label for this product, EPA received 4/1/97, is acceptable.
3. The submitted product's CSF, a basic formulation dated 3/24/97 for this product is acceptable. All ingredients claimed on the CSF are cleared for use in pesticide formulations.

This product is produced by an integrated production system, meaning the technical source is not registered. The composition of the technical source, however, has been elucidated.

RECOMMENDATIONS:

We have no objections to register this end-use product, Pepper Treat Wild Bird Seed, Reg. No. 68563-R.

cc:S. Malak & central file (Reg. No. 68563-R).
7505W:RD:TRB:CS-1:459:S.Malak:05/07/97:703-308-8392:<68563R>.

DP BARCODE: D235484

DAN

CASE: 060987
SUBMISSION: S521539

DATA PACKAGE RECORD
BEAN SHEET

DATE: 04/24/97
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 166 RESB NEW PRO-OC-MIN CHG
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0251%

ID#: 068563-R PEPPER TREAT WILD BIRD SEED
COMPANY: 068563 SNYDER SEED CORP
PRODUCT MANAGER: 14 WILLIAM JACOBS 703-305-6406 ROOM: CM2 259
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 04/01/97 DUE OUT DATE: 10/08/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 235484 EXPEDITE: Y DATE SENT: 04/24/97 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
P TYPE: 001 Submission Related Data Package
CSF: Y LABEL: Y

| ASSIGNED TO | DATE | IN | DATE OUT | ADMIN DUE DATE: 09/21/97 |
|-------------|------|----|----------|--------------------------|
| DIV : RD | / | / | / | NEGOT DATE: / |
| BRAN: RSB | / | / | / | PROJ DATE: / |
| SECT: PCRS | / | / | / | |
| REVR : | / | / | / | |
| CONTR: | / | / | / | |

* * * DATA REVIEW INSTRUCTIONS * * *

Chemist,

The company is responding to our 2/14/97 letter, which reported questions contained in the review of 2/3/97. Attached are:

1. their 3/24,97 letter
2. CSF of same date
3. revised label
4. specification sheet
5. man. process (442454-01)

6. on 2/14/97
Please give me an estimated completion date because I will be asked about it shortly. If you need a formal expedite request, let me know.

Thanks,

Dan Peacock, 305-5407

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

| DP BC | BRANCH/SECTION | DATE OUT | DUE BACK | INS | CSF | 79 | LABEL |
|-------|----------------|----------|----------|-----|-----|----|-------|
|-------|----------------|----------|----------|-----|-----|----|-------|



United States
Environmental Protection Agency
Washington, DC 20460

Form Approved
OMB No. 2070-0060
Approval Expires 05-31-95

Certification with Respect to Citation of Data

Applicants Name and Address

Squirrel Free Inc.

A Sub. of Snyder Seed Corporation

1576 Sweet Home Road

West Amherst, NY 14228

EPA File Symbol/Registration Number 68563-R

Product Name Pepper TreatTM Wild Bird Seed

Date of Application 3-24-97

NOTE: If your product is a 100% repackaging of another EPA-registered product that you purchase, and is labeled for the same uses, you do not need to submit this form. You must submit the Formulator's Exemption Statement (EPA Form 8570-27).

1. This application is supported by all data submitted or cited in the application. In addition, if cite-all options are indicated, this application is supported by all data in the Agency's files that concern the properties or effects of this product that is identical or substantially similar and that is one of the types of data that would be required to be submitted if this application sought the initial registration of a product of identical or similar composition and intended uses under the data requirements in effect on the date of approval of this application. (Check the appropriate boxes, in items 2 and 3, or 4 below that pertain to your application.)

2. I certify that, for each study cited in support of this application for registration that is an exclusive use study.

☐ I am the original submitter*; or

☐ I have obtained the written permission of the original submitter for _____, which is
(insert name of chemical)
_____ (for multiple chemicals link the companies who are original data submitters
(insert names of companies)
with the appropriate chemical name) to cite that study*

3. I certify that, for each study cited in support of this application for registration that is not an exclusive use study;

a. ☒ I am the original data submitter*; or

☐ I have obtained the written permission of the original data submitter for _____, which is
(insert name of chemical)
_____ (for multiple chemicals link the companies who are original data submitters
(insert names of companies)
with the appropriate chemical name) to cite that study*; or

b. ☐ I have notified in writing the companies _____ for _____ that
(insert names of companies) (insert name of chemical)

have submitted data I have cited to support this application and have offered to: (a) Pay compensation for those data in accordance with section 3(c)(1)(F) and 3(c)(2)(D) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); and (b) Commence negotiations to determine which data are subject to the compensation requirement of FIFRA and the amount and terms of compensation due, if any. The companies I have notified are:

Companies _____ for _____ (for multiple
(insert names of companies) (insert name of chemical)
chemicals link the companies who are original data submitters with the appropriate chemical name)
listed on the Pesticide Data Submitters List for all active ingredients contained in my product (cite-all
method or cite-all option under Selective Method*). (Also, sign the General Offer Statement below.)
Companies _____ for _____ (for multiple
(insert names of companies) (insert name of chemical)
chemicals link the companies who are original data submitters with the appropriate chemical name)
that have submitted the studies which I have cited (Selective method*).

4. ☒ I certify that for each study cited in support of this application I am not required to offer data compensation or obtain written permission because all time periods for exclusive use and data compensation have expired.

* A Data Matrix identifying these studies is attached. (Note: a Data Matrix is not required under the cite-all method)

Signature *Joseph A. Dunn*

Name and Title Joseph A. Dunn, Ph.D. President

Date 3/24/97

General Offer to Pay: I hereby offer and agree to pay compensation to other persons, with regard to the approval of this application, to the extent required.

Signature

Name and Title

Date

Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to average 2.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining needed data, and completing and reviewing this application form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M Street, S. W., Washington, DC 20460; and to Office of Management and Budget, Paperwork Reduction Project (2070-0055), Washington, DC 20503, marked "Attention Desk Officer for EPA."

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

APR 02 1997

SNYDER SEED CORPORATION
1576 SWEET HOME ROAD
AMHERST, NY 14228

5-521539

Report of Analysis for Compliance with PR Notice 86-5

Thank you for your transmittal of 04/01/97. Our staff has completed a preliminary analysis of the material. The results are provided as follows:

Your submittal was found to be in full compliance with the standards for submission of data contained in PR Notice 86-5. A copy of your bibliography is enclosed, annotated with Master Record ID's (MRIDs) assigned to each document submitted. Please use these numbers in all future references to these documents. Thank you for your cooperation. If you have any questions concerning this data submission, please raise them with the cognizant Product Manager, to whom the data have been released.

Snyder Seed Corp./Squirrel Free Inc.

March 24, 1997

442454-00

Mr. Dan Peacock (H7504C)
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division - Team 14
401 M Street, SW
Washington, DC 20460

Reference: Pepper Treat™ Wild Bird Seed (EPA File Symbol 68563-R)
Response to letter dated February 14, 1997

Dear Dan:

Thank you for your February 14, 1997 letter which outlines required changes and points of clarification for the registration of Pepper Treat™ Wild Bird Seed (EPA File Symbol 68563-R) as a pesticide. I have listed below, in the same format as your letter, our responses to your comments and the changes we have made.

I. Forms

A. Application - Product Size

✓ *At this time, Squirrel Free Inc., only plans on selling Pepper Treat™ Wild Bird Seed in 8 pound bags.*

B. Certification

The revised form is attached.

C. Confidential Statement of Formula (CSF)

The revised CSF is attached.

II. Data

44245401 151-11 Manufacturing Process for Pepper Treat™ Wild Bird Seed - Revised 1-1-97

A. Chemistry

Percentage of active ingredients are identical in ground capsicum (MRID 441467-07) and treated seeds in Seed Saver (EPA File Symbol 68563-E, MRID 441466-03) in spite of the fact that Seed Saver does not contain oleoresin of capsicum. Please explain. *Pepper Treat™ Wild Bird Seed contains both ground capsicum and oleoresin of capsicum as sources of the active ingredient. The preliminary analysis for Pepper Treat™ Wild Bird Seed has been assigned the MRID 441467-04.*

Seed Saver contains only ground capsicum. The preliminary analysis for Seed Saver has been assigned MRID 441466-03.

Acute toxicological tests were not performed on Pepper Treat™ Wild Bird Seed. Rather, this testing was performed on the two source products. To verify the amount of active in each of the source products, a preliminary analysis was performed on each ingredient. Thus, the ground cayenne preliminary analysis (MRID 441467-07) corresponds to the ground cayenne test material used in the acute toxicological studies (MRIDs 441892-02 and 441467-09) and the oleoresin of capsicum preliminary analysis (MRID 441467-06) corresponds to the oleoresin of capsicum test material used in the acute toxicological studies (MRIDs 441892-01 and 441467-08).

Explain why the percentage of active ingredient claimed on the label and CSF is inconsistent with the results of the sample analysis.

The manufacturing method (MRID 441467-01) incorrectly listed the ingredient type and amount. Attached is a copy of the revised manufacturing method for Pepper Treat™ Wild Bird Seed. The correct amount of ground capsicum/cayenne added to this product is 1.9%. The correct amount of oleoresin of capsicum added to this product is 2.7%. As a result of this correction, the percent active claimed on the label and CSF have been revised to agree with the sample analysis.

Based on 0.599% capsicum in ground capsicum/cayenne (page 10 of MRID 414467-07) and 0.0657% capsicum in oleoresin of capsicum (page 10 of MRID 4414467-06), the capsicum content in Pepper Treat™ Wild Bird Seed is 0.0131% $[(0.5987 \times 0.019) + (0.0657 \times 0.027)]$.

Based on 0.400% dihydrocapsaicin in ground capsicum/cayenne (page 10 of MRID 414467-07) and 0.0473% dihydrocapsaicin in oleoresin of capsicum (page 10 of MRID 4414467-06), the dihydrocapsaicin content in Pepper Treat™ Wild Bird Seed is 0.0089% $[(0.400 \times 0.019) + (0.0473 \times 0.027)]$.

Based on 0.081% nordihydrocapsaicin in ground capsicum/cayenne (page 10 of MRID 414467-07) and 0.009% nordihydrocapsaicin in oleoresin of capsicum (page 10 of MRID 4414467-06), the nordihydrocapsaicin content in Pepper Treat™ Wild Bird Seed is 0.0018% $[(0.081 \times 0.019) + (0.009 \times 0.027)]$.

Using these values, the calculated capsaicin and related capsaicinoids for Pepper Treat™ Wild Bird Seed is 0.0238%. The measured value of capsaicin and related capsaicinoids for Pepper Treat™ Wild Bird Seed (MRID 414467-03) is 0.251%. Thus, both the calculated and measured values fall within the upper and lower certified limits.

Submit a specification sheet to each source product.
The specification sheets are attached.

B. Acute Toxicity

No concerns to be addressed.

C. Effectiveness

It is not clear from the information provided that this formulation was used in any of the tests discussed in the two reports. Please explain.

In the Fitzgerald et al study, all of bird seed (whole gray stripped sunflower seed and sunflower hearts) were coated with ground capsicum/cayenne. The purpose of this study was to determine the efficacy of capsaicinoids for repelling squirrels from whole sunflower, one of the most common forms of commercial bird seed. Specifically, the study found that treated sunflower hearts were more effective at repelling squirrels than treated whole sunflower seeds. This can be attributed to the fact that squirrels used their claws and teeth to peel away the treated shells of the whole sunflowers seeds.

In the Curtis et al (MRID 441467-10) study, all of the wild bird seed used was Pepper Treat™ Wild Bird Seed consisting of [REDACTED] millet, [REDACTED] cracked corn, [REDACTED] sunflower hearts, [REDACTED] black oil sunflower, 2.7% oleoresin of capsicum, and 1.9% ground capsicum/cayenne. In this study, the concentration and percentage of each active capsaicinoid is listed in the following table. This table was calculated based on the revised manufacturing method.

*Concentration and Percent of Active of Each Capsaicinoid in
Pepper Treat™ Wild Bird Seed*

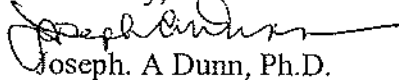
| | Ground Capsicum/ Cayenne | | Oleoresin of Capsicum | | Total | |
|--|-----------------------------|----------|-----------------------|----------|-------|----------|
| | µg/gm | Percent* | µg/gm | Percent* | µg/gm | Percent* |
| Capsaicin | 114 | 0.0114 | 177 | 0.00177 | 131 | 0.0131 |
| Dihydrocapsaicin | 76 | 0.0076 | 12.8 | 0.00128 | 88.8 | 0.0089 |
| Nordihydrocapsaicin | 15.4 | 0.00154 | 2.4 | 0.00024 | 17.9 | 0.0018 |
| Total - Capsaicin and Related Capsaicinoids | 205.4 | 0.02054 | 32.9 | 0.00329 | 238.2 | 0.0238 |
| * Percent was calculated as the number of µg active divided by 1,000,000 µg/gm X 100 | | | | | | |

III. Labeling

See the attached label.

Please call either Cathy Shea at 703-847-7407 or me at 716-636-5107 if you have any questions or if we can be of further assistance.

Sincerely,



Joseph A. Dunn, Ph.D.

President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

166 5-515655
13

February 14, 1997

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Snyder Seed Crop
1576 Sweet Home Road
Amherst, NY 14228

Attention: Dr. Joseph A. Dunn

Subject: Pepper Treat Wild Bird Seed
EPA File Symbol 68563-R
Your submissions of October 24 and December 10, 1996

We have completed our review of this product and have the following comments:

I. Forms

✓ A. Application

Do you plan to sell this product in any sizes other than that indicated on Block 4 of Section III? If so, you need to amend your form to indicate all product sizes.

✓ B. Certification

Since Capsaicin is not an "exclusive use" active, you need to resubmit your form, deleting Block 2a.

✓ C. Confidential Statement of Formula (CSF)

See our comments under the review of the chemistry data below.

II. Data

A. Chemistry

An adequate enforcement analytical method was included with this submission. The method entitled: "Separation and Quantitation of Red Pepper Major Heat Principles by Reverse Phase High-Pressure Liquid Chromatography", was authored by Patrick G. Hoffman, Mary C. Lego, and William G. Galeto, J. Agric. Food Chem. 1983, 31, 1326-1330. Sample chromatograms were included with the method.

Product chemistry data requirements for Pepper Treat Wild Bird Seed, Reg. No. 68563-R, are adequate. However, you need to clarify the following points below:

Please explain why the percentages of the active ingredients, Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin are identical in ground capsicum (MRID #441467-07) and treated seeds in seed saver, Reg. No. 68563-E (MRID #441466-03) in spite of the fact the latter formulation (seed saver) does not contain oleoresins of capsicum, a second source of these active ingredients.

Explain why the percentage of the active ingredient, Capsaicin, claimed on the label and CSF is inconsistent with the results of sample analysis. Based on a 0.599% capsaicin in ground capsicum and 0.0657% in oleoresins of capsicum, capsaicin content was calculated at 0.0006987% ($1.15 \times 0.599\% + 0.15 \times 0.0657\%$), whereas, the label and CSF claim was cited at 18.6X that claim of 0.013%. Similarly, label claim of 0.0095% for dihydrocapsaicin is twice the calculated value of 0.004671% ($1.15 \times 0.4\% + 0.15 \times 0.0473\%$).

Submit a specification sheet for each source product, including the 1) % Capsaicin and Related Capsaicinoids and 2) the purpose of the product.

B. Acute Toxicity

We found the four studies (MRID Nos. 441891-01, 441891-02, 441467-08, and 441467-09) acceptable. See below for proper labeling text.

C. Effectiveness

1. Data included in the efficacy reports by Fitzgerald, et al (1995), and Curtis, et al (1996, MRID# 441467-10) indicate that it is possible to discourage feeding by gray squirrels on feeds of the types used at bird feeders by treating all or parts of such feeds with capsaicinoids.

It is not clear from the information provided that the formulation proposed for 68563-R (to the extent that it has been specified) was used in any of the tests discussed in these two reports. The test material described by Curtis, et al (1966) clearly did not correspond to the product described by the Confidential Statement of Formula (CSF) dated "10-18-96" that was submitted for 68563-R. If, as their report suggests, the treated preparations tested by Fitzgerald, et al (1995), contained a dextrin "glue", none of these could have been

identical to the product described by the CSF of "10-18-96" for 68563-R. Insufficient information was provided to reconcile the information on the hotness of the formulations offered to squirrels with the active ingredient strengths proposed for this product.

The CSF of "10-18-96" is deficient in that it does not indicate the exact mixture of seeds that would be used in making this product. The report by Fitzgerald, et al (1995) suggests that the composition of the treated material can be important both to squirrels and to birds. The exact composition of the mixture also can be important to users interested in attracting specific types of birds (to the exclusion of others) by using specific types of seeds or seed mixes. Such customers, potentially much of the market for this type of product, need to know that they are getting the same product each time they buy it.

There are two basic ways to specify the exact composition of the "seed" component of this product. The first involves identifying each type of seed and indicating the weight and percent the product comprised by each type used. The second approach involves naming a specific commercially available bird seed product that invariably would be used in the preparation of the product when it was sold under a particular brand name.

Because the seed component of the product is intended to be offered as food for birds and not for squirrels, we would be willing to depart from our typical policy with respect to vertebrate pesticides and permit use of alternate seed formulations for a product such as 68563-R. To take advantage of this exception, you would have to make each alternate formulation in the same basic manner (e.g., if you treat all seeds for the basic formulation you also would have to treat all seeds for all of the alternate formulations). You also would have to keep the percent of each active ingredient claimed constant among all formulations used for the product, submit a CSF specific to each formulation that you intend to make, and propose a distinctive and descriptive alternate brand name for each alternate formulation. If a formulation were made from sunflower seeds, the word "sunflower" should appear in its specific alternate brand name. If the formulation included a mixture of different types of seeds, the alternate brand name for it should include an expression such as "seed mixture". If you intend to offer several mixtures, then each mixture should have a distinctive name. If you have good reasons to believe that a particular preparation would be especially attractive to particular bird types, the

alternative formulation for that preparation may allude to those species (e.g., "Snyder's Squirrel Free™ Brand Seed Mix for Sparrows").

III. Labeling

Submit three (3) copies of revised labeling with the following changes. Following your next submission, additional changes may be needed.

1. Clarify your product name.
2. The claim "Squirrel Free" is over promising and unacceptable.
3. Revise your ingredient statement as follows:

Active Ingredients

Capsaicin and Related Capsaicinoids*

Inert Ingredients

*Made from Oleoresin of Capsicum (Hot Peppers)
and Ground Hot Peppers

4. The label bears no specific claims of sites and pests. The closest that label comes to making a pest claim is the promotional statement "Keeps birdseed SQUIRREL FREE™". That statement is a false and misleading claim of absolute efficacy which common experience and the data that you have submitted refute. There was some feeding by squirrels on virtually all formulations tested. We do not believe that the trademark designation adequately softens this claim because "SQUIRREL FREE™" is being used apart from the trade name proposed for this product and "™" is not a sufficiently prominent indicator that "SQUIRREL FREE" is merely a trade name. A claim consistent with what users might reasonably expect from this product would be

"Bird seed that has been treated to
discourage feeding by gray squirrels."

5. The proposed "DIRECTIONS FOR USE" do not indicate what the product is supposed to do, where the product may be used, and how the product should be used. These "directions" also fail to inform users of any special restrictions, limitations, or personal protection needed when applying this product. As this product is proposed as a mixture of seeds and capsicum sources, there are likely to be significant amounts of airborne capsicum particles at times when the product is being

applied. As bird feeders are often situated at eye level or above, there are potentials for ocular and mucosal exposures to people who use this product. If these people are pouring the contents of containers directly into feeders, the amount of airborne dust encountered could be very significant, particularly when the containers are being emptied.

The text indicated below would be a great improvement over that which you have proposed.

"DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Select a calm period when wind will not blow product into face. Wear rubber gloves when handling this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return."

6. Revise the "CAUTION" portion of your "PRECAUTIONARY STATEMENTS" as follows:

CAUTION: Strong, temporary irritant to eyes, nose and skin. Avoid contact with treated bird feed. Wash thoroughly with soap and water after handling. Do not allow children to use this product.

7. Add the following "First Aid" statement:

IF IN EYES: Flush with plenty of water. Call a physician if irritation persists.

IF ON SKIN: Wash with plenty of soap and water.

8. Revise your "STORAGE AND DISPOSAL" statements as follows:

STORAGE AND DISPOSAL

Storage: Store treated feed in secured container, in a dry place inaccessible to children and pets.

Disposal: Do not reuse empty container. Wrap in newspaper and discard in trash.

After your next submission, we may have additional labeling changes or additions.

If you have questions about this letter, please contact Mr. Dan Peacock at 703-305-5407.

Sincerely yours,

Daniel B. Peacock for

William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Peacock WP#11:A:\Capsaici\68563-R.FEB:305-5407,-6600:2/14/97

DATE OUT: FEB 03 1997

SUBJECT: EP [X] MP [] TECHNICAL [] PRODUCT CHEMISTRY REVIEW
 DP BARCODE No.: 232598 REG./File Symbol No.: 68563-R
 PRODUCT: Pepper Treat Wild Bird Seed Rereg. Case No.4018
 COMPANY: 068563 Snyder Seed Corp RECEIVED DATE: 12/10/96

TO: 14 William Jacobs/Daniel Peacock
 Insecticide-Rodenticide Branch
 Registration Division (7505C)

FROM: Sami Malak, Chemist, 02/03/97 (308-8392) *Sami Malak*
 Product Chemistry Review Section
 Registration Support Branch/RD (7505W)

THRU: Harold Podall, Section Head
 Product Chemistry Review Section

748 2/3/97

INTRODUCTION:

With this resubmission, the applicant, Snyder Seed Corp, included product chemistry data, a label EPA received 12/10/96 and CSF, a basic formulation dated 10/18/96, requesting reregistration of this end-use product, Pepper Treat Wild Bird Seed, Reg. No. 68563-R.

FINDINGS:

1. A Reregistration Eligibility Document (RED) for Capsaicin, Rereg. Case #4018, was published during September, 1992. No generic data gaps were cited in the RED.
2. In a publication by Todd P. H.; Bensinger, M. G.; and Biftu, T. (1977): J. Food Sci. 42, 660, six major biologically active capsaicinoids were identified in capsicums (Cayenne pepper) which are: capsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-8-methyl-6-nonenamide); Dihydrocapsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-8-methylnonananamide); Norcapsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-7-methyl-5-octaneamide); Nordihydrocapsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-7-methyloctaneamide); Homocapsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-9-methyl-7-deecnamide); and Homodihydrocapsaicin (N-[(4-hydroxy-3-methoxyphenyl)methyl]-9-methyldecanamide). Additional trace constituents of capsaicinoids were also identified.
3. The results of ten sample analysis by the applicant is summarized below:

| MRID No. | Type of Samples analyzed | Percent of Active Ingredient | | |
|-----------|-----------------------------|------------------------------|-------------------|----------------------|
| | | Capsaicin | Dihydro-capsaicin | Nordihydro-capsaicin |
| 441463-03 | Pepper Treat Wild Bird Seed | 0.013 | 0.0095 | 0.0026 |
| 441467-07 | Ground Capsicum | 0.599 | 0.4 | 0.081 |
| 441467-06 | Oleoresins of Capsicum | 0.0657 | 0.0473 | 0.009 |

4. The applicant should be asked to explain why the percentages of the active ingredients, Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin are identical in ground capsicum (MRID #441467-07) and treated seeds in seed saver, Reg. No. 68563-E (MRID #441466-03) in spite of the fact the latter formulation (seed saver) does not contain oleoresins of capsicum, a second source of these active ingredients.
5. The applicant should be asked to explain why the percentage of the active ingredient, Capsaicin, claimed on the label and CSF is inconsistent with the results of sample analysis. Based on a 0.599% capsaicin in ground capsicum and 0.0657% in oleoresins of capsicum, capsaicin content was calculated at 0.0006987% ($1.15 \times 0.599\% + 0.15 \times 0.0657\%$), whereas, the label and CSF claim was cited at 18.6X that claim of 0.013%. Similarly, label claim of 0.0095% for dihydrocapsaicin is twice the calculated value of 0.004671% ($1.15 \times 0.4\% + 0.15 \times 0.0473\%$).
6. An adequate enforcement analytical method was included with this submission. The method entitled: "Separation and Quantitation of Red Pepper Major Heat Principles by Reverse Phase High-Pressure Liquid Chromatography", was authored by Patrick G. Hoffman, Mary C. Lego, and William G. Galeto, J. Agric. Food Chem. 1983, 31, 1326-1330. Sample chromatograms were included with the method.
7. Product chemistry data requirements for reregistration of this end-use product Pepper Treat Wild Bird Seed, Reg. No. 68563-R, is adequate.
8. Because of the occurrence of at least six major and several trace constituents of capsaicinoids in capsicums (published literature), some of which are also found in oleoresins of capsicum, it is our assessment that the label ingredient statement for this product should be revised to reflect; Active ingredients: Capsaicin and related compounds at (cite total corrected value) and inerts at (100 - total Actives); and (2) use directions should be more explicit in explaining what is it to "Set Out"?, e.g. "ready to use bird seeds intended to repel squirrels."
9. The submitted CSF, a basic formulation dated 10/18/96 for this product is unacceptable: (1) is the source product registered? if so indicate the Reg. No. in Column 12 for Ground capsicum and Oleoresins of Capsicum; if not, an explanation based on scientific and/or regulatory reasons is needed, e.g. low risk products, GRAS, PR or FR Notice, etc.; and (2) cite the correct amount of each active ingredient as per Finding 5 above.

RECOMMENDATION:

After resolving Findings 4, 5, 8 & 9 above, we will have no objections to reregister this end-use product, Pepper Treat Wild Bird Seed, Reg. No. 68563-R.

EP ☒ MP ☐ TECHNICAL ☐ PRODUCT CHEMISTRY REVIEW

1. DP BARCODE No. 232598 : 2. REG./File Symbol No.: 68563-R
3. Registration ☐ Reregistration ☒, Rereg Case No. 4018
5. Product Name: Pepper Treat Wild Bird Seed
6. Pesticide Type: a. Fungicide ☐ b. Herbicide ☐
 c. Insecticide ☐ d. Rodenticide ☒ e. Antimicrobial ☐
 f. Plant Growth Regulator ☐ g. Others: _____
7. Uses: a. Food ☐ b. Non food use ☒
8. Type of Submission: New ☐ Resubmission ☒ Amendment ☐
 "ME-TOO" ☐ Alternate Formulation ☐ Repack ☐
 Experimental Use Permit ☐ Other (Specify) _____
9. If "Me-TOO" Registration, this product is ☐ is not ☐
 similar or substantially similar to EPA's Reg. No.: _____
- If not, comment in Confidential Appendix A on the differences between the registered and the new source where significant.
10. Information to be reviewed:
- a. CSF ☒: Basic ☒ Alternate ☐
 b. Label ☒ c. Product Chemistry ☒

CONFIDENTIAL STATEMENT OF FORMULA, DATED 10/18/96:

11. Type of formulation and the sources of active ingredients:
- a. Non-integrated formulation system.....[☐]
- b. Are all technical grade active ingredients used
 registered? • yes ☐ • no ☒
- c. Integrated formulation system.....[☒]
12. Basic Properties:
- a. Physical state at ambient temperature: Solid
- b. Density (or bulk density for solids)/temperature: NA
- c. pH of product: NA
- d. Flash point (or flame extension for aerosols): NA
13. Composition: The nominal concentrations (NC) of the

active ingredients and the upper and lower certified limits (UCL & LCL) are as follows:

| Active ingredient(s) | % by weight | | |
|--------------------------|-------------|--------|--------|
| | NC | UCL | LCL |
| Capsaicin..... | 0.0130 | 0.0143 | 0.0117 |
| Dihydrocapsaicin..... | 0.0095 | 0.0105 | 0.0085 |
| Nordihydrocapsaicin..... | 0.0026 | 0.0029 | 0.0023 |

14. The calculated NCs, based on the pure active ingredients (PAI), are identical to those on the label:
 • yes ☒ • no ☐
15. The certified limits are within the standard limits as per 40CFR§158.175 or are adequately explained if different:
 • yes ☒ • no ☐
16. Clearance of intentionally added ingredients in the formulation for the intended use:
- a. Formulation intended for food use under 40CFR§180.1001:
 • yes ☐ • no ☐ • Some are cleared, others are not ☐
 • Cleared under list: • c ☐ • d ☐ • e ☐
 • Are there any limitations for use as an inert under 40CFR§180.1001?
 • yes ☐ • no ☐, If yes, specify:_____
- b. Formulation intended for non-food use:
 • yes ☒ • no ☐ • Some are cleared, others are not ☐
- c. Clearance by the FDA of certain formulations under 21CFR §170 to 199.
 • yes ☐ • no ☐ • Some are cleared, others are not ☐
 If yes, the entire formulation is cleared under 21CFR§__
17. For products produced by an integrated formulation system:
- All impurities of toxicological significance have an UCL:
 • yes ☐ • no ☐ • not applicable ☒
- All other impurities $\geq 0.1\%$ associated with the active ingredient in the product are reported at their nominal concentrations:
 • yes ☐ • no ☐ • not applicable ☐

PRODUCT LABEL, EPA RECEIVED 12/10/96:

18. The active ingredients statement (chemical identities, nominal concentrations) is consistent with the CSF • yes [X] • no []
19. The formulation contains one of the following:
- 10% or more of a petroleum distillate: • yes [] • no [X]
 - 1% or more of methyl alcohol: • yes [] • no [X]
 - sodium nitrite at any level: • yes [] • no [X]
 - a toxic List 1 inert at any level: • yes [] • no [X]
 - arsenic in any form: • yes [] • no [X]
20. If yes to any of the above, does the inert ingredients statement contains a footnote indicating this?
- yes [] • no [] • not applicable []
21. The appropriate physical and chemical hazards statement regarding flammability or explosive characteristics of the product are given on the label:
- yes [] • no [] • not applicable [X]
22. The storage and disposal instructions for the pesticide and container are in compliance with PR Notice 84-1 for household use products or PR Notice 83-3 for all other uses:
- yes [X] • no []

PRODUCT CHEMISTRY DATA (SERIES 61 and 62)

| 23. <u>Chemical IDs/Manufacture/ Analytical Information</u> | | <u>Data Required Fulfilled</u> | <u>MRID No.</u> |
|--|---|---|---|
| 61-1 | Chemical Identity | Y | 441467-01 |
| 61-2 | Starting Materials & Manufact or Formulation Process | Y | 441467-01 |
| 61-3 | Discussion of Impurities | Y | 441467-01, -02 |
| 62-1 | Preliminary Analysis | Y | 441463-03, 441466-03, 441467-06 441467-07 441510-01 |
| 62-2 | Certified Limits | Y | 441130-07 |
| 62-3 | Enforcement Analytical Method | Y | 441467-04 441467-06 |

SUMMARY OF PRODUCT CHEMISTRY DATA REQUIREMENTS OF SERIES 63
PHYSICAL/CHEMICAL PROPERTIES, MRID No. 441467-05

| GUIDELINE REFERENCE NO/TITLE | VALUE OR QUALITATIVE DESCRIPTION |
|--|--|
| 63-2 <i>Color</i> | <i>Light brown</i> |
| 63-3 <i>Physical State</i> | <i>Solid</i> |
| 63-4 <i>Odor</i> | <i>Slightly pungent</i> |
| 63-7 <i>Density, Bulk Density, or Specific Gravity</i> | <i>NA</i> |
| 63-12 <i>pH</i> | <i>NA</i> |
| 63-14 <i>Oxidizing Or Reducing Action</i> | <i>No oxidizing or reducing potential exist.</i> |
| 63-15 <i>Flammability/ Flame Extension</i> | <i>NA</i> |
| 63-16 <i>Explosability</i> | <i>NA</i> |
| 63-17 <i>Storage Stability</i> | <i>Stable for a period of six months.</i> |
| 63-18 <i>Viscosity</i> | <i>NA</i> |
| 63-19 <i>Miscibility (With hydrocarbon Solvents)</i> | <i>NA</i> |
| 63-20 <i>Corrosion Characteristics</i> | <i>Non corrosive to the commercial containers.</i> |
| 63-21 <i>Dielectric Breakdown Voltage</i> | <i>NA</i> |

DP BARCODE: D232598

CASE: 060987
SUBMISSION: S515655

DATA PACKAGE RECORD
BEAN SHEET

DATE: 01/15/97
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 166 RESB NEW PRO-OC-MIN CHG
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0251%

ID#: 068563-R PEPPER TREAT WILD BIRD SEED

COMPANY: 068563 SNYDER SEED CORP

PRODUCT MANAGER: 14 WILLIAM JACOBS 703-305-6406 ROOM: CM2 259

PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 12/10/96 DUE OUT DATE: 06/18/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 232598 EXPEDITE: N DATE SENT: 01/15/97 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

DP TYPE: 001 Submission Related Data Package

CSF: Y

LABEL: Y

| ASSIGNED TO | DATE | IN | DATE | OUT | ADMIN DUE DATE: 06/14/97 |
|-------------|------|----|------|-----|--------------------------|
| DIV : RD | / | / | / | / | NEGOT DATE: / / |
| BRAN: RSB | / | / | / | / | PROJ DATE: / / |
| SECT: PCRS | / | / | / | / | |
| REVR : | / | / | / | / | |
| CONTR: | / | / | / | / | |

* * * DATA REVIEW INSTRUCTIONS * * *

Sami,

Please review the chemistry data for these 3 products.

Thanks,

Dan, 305-5407

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

| DP BC | BRANCH/SECTION | DATE OUT | DUE BACK | INS | CSF | LABEL |
|--------|----------------|----------|----------|-----|-----|-------|
| 232597 | IRB/PMT-14 | 01/15/97 | 06/14/97 | Y | Y | Y |



68563-R

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND
TOXIC SUBSTANCES

February 6, 1997

MEMORANDUM

Subject: Acute Mammalian Toxicity Review for EPA File Symbols
68563-R (D232599), 68563-E (D232604) and 68563-G
(D232610)

From: Mark J. Perry, Biologist
Precautionary Review Section
Registration Support Branch
Registration Division (7505C)

MJP
2/6/97

To: B. Jacobs, PM-14 / D. Peacock
Registration Division (7505C)

Applicant: Snyder Seed Corporation
1576 Sweet Home Rd.
West Amherst, NY 14228

BACKGROUND

Snyder Seed Corporation submitted two eye and dermal irritation studies as well as acute oral, acute dermal, acute inhalation and dermal sensitization waivers for registration of EPA File Symbols 68563-R, 68563-E and 68563-G. The subject products are squirrel repellents with and without bird feed; capsaicin, dihydrocapsaicin and nordihydrocapsaicin are the active ingredients. The active ingredients in these products are obtained from two different sources, oleoresin of capsicum and ground capsicum. As a result, both source formulations were evaluated separately for eye and skin irritation. The subject studies were performed by Corning Hazelton and have been assigned MRID numbers are 441892-01, 441892-02, 441467-08 and 441467-09.

2.

RECOMMENDATION

1. Acute Oral; Waiver accepted
2. Acute Dermal; Waiver accepted
3. Acute Inhalation; Waiver accepted
4. Eye Irritation (oleoresin); Category IV / Acceptable
4. Eye Irritation (ground); Category III / Acceptable
5. Dermal Irritation (oleoresin); Category IV / Acceptable
5. Dermal Irritation (ground); Category IV / Acceptable
6. Dermal Sensitization; Waiver accepted

LABELING

1. The recommended signal word is "caution."
2. The recommended precautionary statements are as follows:

Causes moderate eye irritation. Avoid contact with eyes or clothing.
Wash thoroughly with soap and water after handling.

3. The recommended first aid statements are as follows:

IF IN EYES: Flush eyes with plenty of water. Call a physician if irritation persists.

3.
DATA REVIEW FOR ACUTE EYE IRRITATION TESTING (81-4)

Product Manager:14
MRID No.:441892-01

Reviewer:M. Perry
Report Date:3/26/96

Testing Laboratory:Corning Hazelton

Report No.:CHW 60103554

Author(s): S. Glaza

Species:Rabbit

Sex: 6 female

Weight: 3156-3456 g

Source: HRP, Inc.

Dosage: 0.1 ml

Test Material: 1/50 dilution of Oleoresin of Capsicum

Quality Assurance (40 CFR 160.12):Present

Summary:

1. Toxicity Category: IV
2. Classification: Acceptable

Deviations From 81-4: None

Results: At one hour grade 1 to 2 redness and grade 1 chemosis was reported. At 24 hours only grade 1 redness and grade 1 chemosis were reported. All ocular irritation was clear by 72 hours.

4

DATA REVIEW FOR ACUTE EYE IRRITATION TESTING (81-4)

Product Manager:14
MRID No.:441892-02

Reviewer:M. Perry
Report Date:3/26/96

Testing Laboratory: Corning Hazelton
Report No.:CHW 60103556
Author(s): S. Glaza
Species:Rabbit
Sex: 6 female
Weight: 2928-3398 g
Source: HRP, Inc.
Dosage: 27 mg (0.1 ml weight equiv)
Test Material: Ground Capsicum
Quality Assurance (40 CFR 160.12):Present

Summary:

1. Toxicity Category: III
2. Classification: Acceptable

Deviations From 81-4: None

Results: At 24 and 48 hours most animals exhibited grade 1 chemosis and grade 2 redness. All ocular irritation was clear by 96 hours.

DATA REVIEW FOR SKIN IRRITATION TESTING (81-5)

Product Manager:14
MRID No.: 441467-08

Reviewer:M. Perry
Report Date:3/21/96

Testing Laboratory:Corning Hazelton
Report No.:CHW 60103553
Author(s): S. Glaza
Species:Rabbit
Age: --
Sex: 6 male
Weight: 2435-2594 g
Dosage:0.5 ml
Test Material: Oleoresin of capsicum
Quality Assurance (40 CFR 160.12):Present

Summary:

1. The Primary Irritation Index= --
2. Toxicity Category: IV
3. Classification: Acceptable

Deviations From 81-5: None

Results: Although one animal demonstrated grade 2 erythema, most animals exhibited grade 1 erythema and grade 0-1 edema at 72 hours. Irritation was less severe at 96 hours and no irritation was reported by 7 days.

ACUTE TOX ONE-LINER

1. PC CODE: 070701
2. CURRENT DATE: 2/6/97
3. TEST MATERIAL: Capsaicin

| Study/Species/Lab/ Study#/Date | MRID No. | Results | Tox. Cat. | Core Grade |
|---|-----------|------------------------------------|--------------|---------------|
| | | | | |
| | | | | |
| 81-4, Rabbit, Corning Hazelton, CHW 60103554, 3/26/96 | 441892-01 | No positive scores at 72 hours | IV | A |
| 81-4, Rabbit, Corning Hazelton, CHW 60103556, 3/26/96 | 441892-02 | Clear by 96 hours | III | A |
| 81-5, Rabbit, Corning Hazelton, CHW 60103553, 3/21/96 | 441467-08 | Minimal irritation at 72 hrs. | IV | A |
| 81-5, Rabbit, Corning Hazelton, CHW 60103555, 3/21/96 | 441467-09 | Minimal Irritation at 72 hours. | IV | A |

Core Grade Key:

A = Acceptable
S = Supplementary
U = Unacceptable

DATA REVIEW FOR SKIN IRRITATION TESTING (81-5)

Product Manager:14
MRID No.: 441467-09

Reviewer:M. Perry
Report Date:3/21/96

Testing Laboratory:Corning Hazelton
Report No.: CHW 60103555
Author(s): S. Glaza
Species:Rabbit

Age: --
Sex: 6 male
Weight: 2433-2538 g
Dosage:0.5 g (moistened w/ 1.5 ml water)
Test Material: Ground capsicum
Quality Assurance (40 CFR 160.12):Present

Summary:

1. The Primary Irritation Index= --
2. Toxicity Category: IV
3. Classification: Acceptable

Deviations From 81-5: None

Results: Grade 0 to 2 erythema and edema was present at the 72 hour evaluation. Irritation decreased by 96 hours and was absent by day 7.

ACUTE TOX ONE-LINER

1. PC CODE: 070701
2. CURRENT DATE: 2/6/97
3. TEST MATERIAL: Capsaicin

| Study/Species/Lab/ Study#/Date | MRID No. | Results | Tox. Cat. | Core Grade |
|---|-----------|------------------------------------|--------------|---------------|
| | | | | |
| 81-4, Rabbit, Corning Hazelton, CHW 60103554, 3/26/96 | 441892-01 | No positive scores at 72 hours | IV | A |
| 81-4, Rabbit, Corning Hazelton, CHW 60103556, 3/26/96 | 441892-02 | Clear by 96 hours | III | A |
| 81-5, Rabbit, Corning Hazelton, CHW 60103553, 3/21/96 | 441467-08 | Minimal irritation at 72 hrs. | IV | A |
| 81-5, Rabbit, Corning Hazelton, CHW 60103555, 3/21/96 | 441467-09 | Minimal Irritation at 72 hours. | IV | A |

Core Grade Key:

A = Acceptable
S = Supplementary
U = Unacceptable

DP BARCODE: D232599

CASE: 060987
SUBMISSION: S515655

DATA PACKAGE RECORD
BEAN SHEET

DATE: 01/15/97
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 166 RESB NEW PRO-OC-MIN CHG
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0251%

ID#: 068563-R PEPPER TREAT WILD BIRD SEED

COMPANY: 068563 SNYDER SEED CORP

PRODUCT MANAGER: 14 WILLIAM JACOBS 703-305-6406 ROOM: CM2 259

PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 12/10/96 DUE OUT DATE: 06/18/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 232599 EXPEDITE: N DATE SENT: 01/15/97 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

DP TYPE: 001 Submission Related Data Package

CSF: Y

LABEL: Y

| ASSIGNED TO | DATE | IN | DATE | OUT | ADMIN DUE DATE: 06/14/97 |
|-------------|------|----|------|-----|--------------------------|
| DIV : RD | / | / | / | / | NEGOT DATE: / / |
| BRAN: RSB | / | / | / | / | PROJ DATE: / / |
| SECT: PRS | / | / | / | / | |
| REVR : | / | / | / | / | |
| CONTR: | / | / | / | / | |

* * * DATA REVIEW INSTRUCTIONS * * *

Reviewer,

Please review the 2 eye irritation and 2 skin irritation tests for these products. You will notice from the CSF that 1 source is ground pepper and another is Oleoresin of Capsicum, which is the reason for 2 sets of tests.

Thank you,

Dan Peacock, 305-5407

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

| DP BC | BRANCH/SECTION | DATE OUT | DUE BACK | INS | CSF | LABEL |
|--------|----------------|----------|----------|-----|-----|-------|
| 232597 | IRB/PMT-14 | 01/15/97 | 06/14/97 | Y | Y | Y |
| 232598 | RSB/PCRS | 01/15/97 | 06/14/97 | Y | Y | Y |



DAN 12/9/96

Snyder Seed Corp

Summary of 3 Applications

| <u>Barcode</u> | <u>96</u> <u>Active</u> | | |
|----------------|----------------------------|-------------|-----------------------------|
| S-515475 | .025 | 1.68563 - R | Pepper Treat Wild Bird Seed |
| S-515478 | 1.08 | 2.68563 - E | Seed Saver |
| S-515480 | 1.0873 | 3.68563 - G | Suet with Pepper Treat |

Active : Capsaicin & Related Capsaicinoid,

Two Eye Irritation Studies
need clarification of formatting
before data can be sent for review.

Dan Peacock

Note: Before sending for review, I
need to check that

- 1) data matrix is correct
- 2) determine which eye irritation
tests go with what product

Relationship Between Source & 1/17/97
3 end-use Products & EPA

IRB BRANCH REVIEW - TSS

Record Number(s)

68563-R: D232597

68563-E: D232602

68563-G: D232608

IN 1/15/97 OUT 2/13/97

EFFICACY

FILE OR REG. NO. as above

PETITION OR EXP. PERMIT NO. _____

DATE DIV. RECEIVED 10/24/96 and 12/10/96

DATE OF SUBMISSION 10/18/96 and 12/10/96

DATE SUBMISSION ACCEPTED 1/15/97

TYPE PRODUCTS(S): I, D, H, F, N, R x S

DATA ACCESSION NO(S) 441467-10

PRODUCT MER. NO. 14

PRODUCT NAME(S) PEPPER TREATTM WILD BIRD SEED

COMPANY NAME Snyder Seed Corporation

SUBMISSION PURPOSE registration

CHEMICAL & FORMULATION Various capsaicinoid formulations (see next page)

Efficacy Review: PEPPER TREAT™ WILD BIRD SEED, 68563-R
SEED SAVER, 68563-E
SUET WITH PEPPER TREAT, 68563-G
Snyder Seed Corporation
West Amherst, NY 14228

200.0 INTRODUCTION

200.1 Uses

68563-R is a 0.0130% Capsaicin, 0.0095% Dihydrocapsaicin, and 0.0026% Nordihydrocapsaicin treated-seed formulation for which the claim "Keeps birdseed SQUIRREL FREE™" is proposed.

68563-E is a 0.5987% Capsaicin, 0.4004% Dihydrocapsaicin, and 0.0812% Nordihydrocapsaicin treated-seed formulation for which the claim "Keeps birdseed SQUIRREL FREE™" is proposed.

68563-G is a 0.0510% Capsaicin, 0.0301% Dihydrocapsaicin, and 0.0062% Nordihydrocapsaicin treated-suet formulation for which the claim "Keeps suet SQUIRREL FREE™" is proposed.

200.2 Background Information

This review discusses the submissions of 10/18/96 which appear to be the initial registration applications for these products. Prior to these submissions, there were discussions and correspondences between EPA and Snyder Seed concerning products of these types. See efficacy review of 6/15/95 for CORR. 286282.

These products appear to be intended to deter tree squirrels from feeding on seeds or suet placed by humans for the purpose of feeding wild birds. At least one such product (66987-1) already is registered to another company.

Most of the "data" submitted for these products originally appeared in a white 3-ring binder which bears no MRID No. Most items in the folder are appeals for data waivers. The several actual study reports for the various disciplines evidently were removed from the binder and assigned MRID numbers individually. Several pages missing from some of the data reports were supplied by FAX on 12/10/96.

201.0 DATA SUMMARY

The Confidential Statements of Formula (CSFs) submitted for 68563-R and 68563-G are vague with respect to the respective seed and suet compositions of those products. I feel that the registrant should have to specify the proportions of seeds of each type used in 68563-R or name a specific commercial bird seed product that is to be used, invariably, in the preparation of this product according to its basic CSF. Customers who buy 68563-R should be assured of getting

essentially the same product each time. Customers who want to be able to vary their bird seed offerings should be using 68563-E, rather than a ready-mix. The specific composition of the suet, or the specific commercial product used as the suet component, in 68563-G should be specified in the basic CSF. Again, customers should be able to count on getting the same product each time.

Alternative inert-component formulations could be allowed, as the product is food for nontarget species, but each of these would have to be identified by a distinctive alternate brand name so that customers would be assured of getting the specific mix that they desire.

The sources of capsaicinoids in these 3 products differ. Ground capsicum would be the source for the concentrate product, 68563-E. Oleoresin capsicum would be the source for the suet product, 68563-G. The treated-seeds product, 68563-R, would contain both ground capsicum and oleoresin capsicum.

The efficacy study report submitted on 10/18/96 is cited and discussed immediately below.

Curtis, P.D., Krahling, C.J., and Richmond, M.E. (1996)
Evaluation of capsaicin as an aversive agent to consumption of birdseed by gray squirrels (*Sciurus carolinensis*). Manuscript, Department of Natural Resources, NY Cooperative Fish & Wildlife Research Unit, Cornell U., Ithaca, NY, 13 pp.

MRID# 441467-10

The introduction to this paper cites a number of publications which claim that the physiological mechanism which causes capsaicin to be perceived by mammals apparently is lacking (or lacking in sensitivity) in birds. This difference between these two classes of vertebrates could account for various assertions and test results to the effect that hot pepper suppresses consumption of treated foods by mammals but not by birds. (Due entirely to EPA's efficacy waiver policy, "ground red peppers" -- containing capsaicinoids as the active principles -- was registered in the U.S. in the early 1980's as active ingredients in bird repellent products.)

This report is written as if prepared for publication. Consequently, no raw data are included in the report, which also lacks a number of other important details.

All field testing sites were affiliated with Cornell University in some capacity. Two were located on the main campus, while the third was

"located in a large wooded area . . . in a more rural setting."

Curtis, et al (1996) initially captured gray squirrels and temporarily housed them outdoors. The captured squirrels were anesthetized, ear-tagged, and held 2-24 hr prior to eventual release after recovery. Nineteen squirrels were equipped with radio collars.

The feeding portion of the field trials began with the placing of 600 g of "whole, gray-striped sunflower seeds" (apparently the confectionery type) at each field site for 3 hr each(?) morning beginning on 4/9/96. Seeds were placed on plywood "platform feeders" which stood about 6" off the ground. On 6/3/96, after 8 weeks of offering untreated seeds only, the researchers placed 600 g of "capsaicin-treated seeds" daily at all sites. This practice was continued daily at two sites, including the most rural site, for the next 8 weeks, but was discontinued after 3 weeks at one of the main campus sites, where untreated seed was applied for the last 5 weeks of the study.

The authors present a figure (their "Fig. 1") which suggests that capsaicin treatments suppressed consumption of sunflower seeds (determined by the weigh-back method) to small fractions of the amounts observed when seeds were untreated. At the site where treated seed was applied for only 3 weeks, take of untreated seed rebounded approximately to pre-treatment levels. Presumably, such suppression was due to primarily to the effects of treatments on gray squirrels. Squirrels' visits to feeders also are illustrated on a figure (their "Fig. 2") which suggests somewhat different effects at the 3 test sites. Their "Fig. 3" plots bird use of test sites during the treatment (and posttreatment periods) and indicates that there was potential for birds to take seeds as well. Thus, it is possible that the actual deterrence of squirrels exceeded that which is suggested by their "Fig. 1" because birds could have accounted for some-to-all of the feeding reported during the treatment period. However, it also is possible that the treatment adversely affected seed take by birds as well as squirrels.

The authors report very little in the way of actual numerical results. Those which they do report are summarized, as far as I am able to do so, in the table below. The gaps in the table indicate how incompletely and inconsistently the information relevant to the issues of seed take and animal visitations were reported. The authors report significant treatment-related suppression of the number of squirrels visiting the feeders. No statistical results are discussed for the bird visit data.

| PERIOD | MEAN DAILY SEED TAKE (g) | # SQUIRRELS AT FEEDER/DAY (Mean) | # BIRDS AT FEEDER/DAY (Mean) |
|--|--------------------------------|--|------------------------------------|
| ALL PRETREATMENT (All Sites) | 248.6 g | | |
| LAST 5 WEEKS PRETREATMENT (All Sites) | | 7.5 | |
| ALL TREATMENT (Sites 1 & 3, treated for 8 wks.) | | 3.0 | |
| 1ST 3 WEEKS TREATMENT (All Sites) | 14.6 g | | |
| 1ST 3 WEEKS TREATMENT (Site 2 only) | | | 4.1 |
| ALL 5 WEEKS POSTTREATMENT (Site 2 only, treated 3 wks.) | 252.2 g | 7.6 | 2.7 |

The results reported by Curtis, et al (1996) are not inconsistent with claims that capsaicinoids deter feeding by tree squirrels on treated materials. Data consistent with such claims also have been reported by others. As the test material was treated sunflower seeds, it is clear that neither of the two finished Snyder products discussed in this review (68563-R and 68563-G) was used in this test. The report fails to indicate the composition of the capsaicin source product and ratio with which it was mixed with seeds. Thus, it is neither possible to determine whether the specific formulation proposed for 68563-E was used to prepare treated seeds nor whether the treated seeds offered were prepared in the manner indicated on the proposed label for 68563-E.

The efficacy study report cited and discussed below was received by EPA on 5/15/95. The document seems vaguely familiar to me, but I have not been able to locate a review of it. This report apparently has not been assigned an MRID number.

Fitzgerald, C.S., Curtis, P.D., and Richmond, M.E. (1995)
Capsaicin as a biologically-based aversive agent to
consumption of birdseed by gray squirrels (*Sciurus
carolinensis*). Manuscript, Department of Natural
Resources, NY Cooperative Fish & Wildlife Research Unit,
Cornell U., Ithaca, NY, 53 pp.

This document appears to have served as an electronic template
for the report discussed previously. Certain material which
is largely extraneous where it appears in Curtis, et al
(1996), appears in context in Fitzgerald, et al (1995). The
two documents share a common "INTRODUCTION" section, except
that the one in Fitzgerald, et al (1995) includes an
additional sentence at the very end.

The Fitzgerald, et al (1995), report indicates that there were
some squirrel feeding trials conducted in the outdoor cages,
the construction of which Curtis, et al (1996) elaborate upon
for no apparent purpose. The cages were about a yard cubed in
dimensions and were equipped with two stainless steel rodent
feeding hoppers which could be serviced from outside the cage.
One hopper was at the designated front of the cage and the
other at the rear. The cages also included nest boxes and
"climbing limbs". Captive squirrels

"were provided with water, whole apples, ear corn,
peanuts, sunflower seeds, and commercial rodent food
prior to and following all feeding trials."

The researchers caught and held 55 squirrels (up to 24 at a
time) in these cages, with each individual being kept

"1-3 months during which time they participated in
various feeding trials."

These squirrels were netted, anesthetized, and marked (fur
dye) prior to release.

In the feeding trials in which the food hoppers were used,
either one type of food item was presented in both hoppers, or
the two hoppers contained foods that were not identical. In
the latter case, the researchers attempted to counter-balance
position feeding effects by altering positions of the test
foods. The researchers also ran trials in which elevated
feeding stations were used. These trials involved
simultaneous presentations of 3-4 food items.

The elevated platforms also were used in trials with free-
ranging (i.e., wild) squirrels. In such trials, 1-4 types of
food items were presented simultaneously.

Joseph Dunn of Snyder Seed was credited with having prepared

all of the "treated formulations" used in this research. According to the authors,

"The pepper was bound to seeds with a tapioca-based dextrin 'glue'."

Researchers received coded preparations so that they did not know the "concentrations of capsaicin" at the time that the materials were used in testing.

A total of 18 experiments were reported. The first of these was designed to determine whether squirrels showed any preference between gray-striped (confectioners') and black oil-type sunflower seeds. As summarized below, the answer was "No." Consequently, the researchers felt comfortable in using these two types of seeds interchangeably as controls throughout the remainder of the study.

| EXP. NO. | NO. SQRLS | ITEMS OFFERED | % OF TOTAL FOOD TAKEN |
|----------|-----------|---|-----------------------|
| 1 | 8 | 25g Gray-striped (GS) sunflower seeds (ut) 25g Blk oil (BO) sunflower seeds (ut) | 49.3% 50.7% |

The authors do a poor job of describing their Experiment 2. It appears that they used 4 squirrels and offered them each 20 g of some treated seed or seed mixture. The possible selections appear to have been 4 different mixes of millet, cracked corn, plus treated GS or BO sunflower seeds; treated BO sunflower seeds; treated GS sunflower seeds; and treated sunflower hearts. At 12-hr intervals, the researchers weighed back the amount of food remaining to determine the proportion of that offered which had been consumed.

The results reported were consumption of 28.9%, 56.4%, and 74.6% of the total offered at 12, 24, and 36 hrs, respectively, after initial presentation. As hulls were claimed to have comprised 25% of the initial seed weights, 74.6% was regarded as complete consumption; and the trial was terminated. This trial seems to show that the squirrels would take treated seeds as an alternative to going hungry. However, the authors' Fig. 4 suggests some differences among the specific treated diets and the proportions of total amounts offered taken after 36 hr. Differences in relative hull weights might account for some of this apparent variation. Sunflower hearts, which have no hulls, were consumed at the highest apparent percent of total, but the percent shown in their Fig. 4. is below 70% and two other items (one of the seed mixes and treated BO sunflower seeds) are very close.

In Experiment 3, 8 squirrels were offered pairwise choices

between 20 g of untreated sunflower seeds and 20 g of one of the treated seeds of the types used in Experiment 2. The squirrels then were given a choice between a different type of treated seeds and untreated sunflower seeds on the second day of this 2-day test. Results are summarized below.

| FOOD TYPE | TEST DAY | AMOUNT OFFERED | AMOUNT TAKEN | % OF AMOUNT OFFERED TAKEN | % OF TOTAL TAKE FOR DAY |
|-----------|----------|----------------|--------------|---------------------------|-------------------------|
| TREATED | 1 | 160 g | 132.0 g | 82.5% | 68.5% |
| | 2 | 160 g | 129.7 g | 81.1% | 64.5% |
| UNTREATED | 1 | 160 g | 60.8 g | 38.0% | 31.5% |
| | 2 | 160 g | 71.5 g | 44.7% | 35.5% |

Squirrels may have been a bit less reluctant to take treated seeds on the Day 2 of this trial. The authors' Fig. 5. depicts large differences in acceptance among the 8 treatments. Treated BO seeds and each of the 4 different seed mixes are depicted as having been taken at fractions of the levels reported for control seeds, with the differences being statistically significant. In contrast, treated GS sunflower seeds and treated sunflower hearts were taken at essentially the same rate as untreated sunflower seeds.

Experiment 4 was similar in design to Experiment 3 except that 7 squirrels were used, that 40 g of each selection was offered to each squirrel, and that the test was run for just one day. Another difference is that the numerical results are not reported as thoroughly as for Experiment 3. The researchers selected the 40-g amount because it was the mean amount of daily consumption for live-trapped squirrels in late summer. In Experiment 4, the amount of treated material consumed is reported to have been "63% that of control seed." Again, there were differences in take among seed mixes. These differences (shown in their Fig. 6.) were somewhat like those described for Experiment 3 in that treated sunflower hearts and treated GS sunflower seeds were taken about as readily as untreated sunflower seeds, but the takes of the other types of treated seeds appeared to represent larger fractions of the amount of untreated sunflower seed taken than was the case in Experiment 3.

In Experiment 5, 15 squirrels were offered 25 g treated sunflower hearts and 25 g untreated GS sunflower seed daily for 3 days. Five different treatment levels were used. Each was offered along with untreated GS seed to 3 squirrels each. Test results are summarized below according to hotnesses in Scoville Units (SUs) of the treated sunflower hearts offered.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|----------------|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. GS seeds | 25 g | 24.1 g | 96.4% | 100% |
| G-Glue only | 25 g | 23.2 g | 92.8% | 96.3% |
| F-2,457 SUs | 25 g | 23.4 g | 93.6% | 97.1% |
| E-8,250 SUs | 25 g | 23.2 g | 92.8% | 96.3% |
| D-24,570 SUs | 25 g | 10.2 g | 40.8% | 42.3% |
| C-82,500 SUs | 25 g | 4.5 g | 18.0% | 18.7% |

Experiment 6 was a replication of Experiment 5, except that the control food was untreated BO sunflower seeds. The results of this trial are summarized below.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|----------------|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. BO seeds | 25 g | 25.0 g | 100% | 100% |
| G-Glue only | 25 g | 25.0 g | 100% | 100% |
| F-2,457 SUs | 25 g | 23.4 g | 93.6% | 93.6% |
| E-8,250 SUs | 25 g | 23.2 g | 93.6% | 93.6% |
| D-24,570 SUs | 25 g | 18.1 g | 72.4% | 72.4% |
| C-82,500 SUs | 25 g | 12.8 g | 51.2% | 51.2% |

The amounts of treated seeds taken were greater in Experiment 6 than in Experiment 5. This effect could be the result of differences in the control material (which some prior trials had suggested to be unlikely) or to the adaptation of squirrels to capsaicinoids, if the same squirrels were used in both trials. The authors present a Fig. 7. which summarizes the combined results of Experiments 5 and 6 over three test days and suggests increased acceptance of treated sunflower hearts by the third day. If the same squirrels were used for these two trials, the results of Experiment 5 and 6 should have been shown consecutively in the same plot.

In Experiment 7, three groups of 5 squirrels each were offered 30 g of untreated GS sunflower seeds and 30 g of GS seeds treated to hotnesses of 8,250, 27,500, or 82,500 SUs. Results of this trial are summarized below.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|----------------|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. GS seeds | 30 g | 30.0 g | 100% | 100% |
| A-8,250 SUs | 30 g | 30.0 g | 100% | 100% |
| B-27,500 SUs | 30 g | 29.5 g | 98.3% | 98.3% |
| C-82,500 SUs | 30 g | 28.2 g | 94.0% | 94.0% |

There was no feeding deterrence apparent in this trial at any treatment level. If the same 15 squirrels that were used in Experiments 5 and 6 were used in Experiment 7, these data would be further evidence of adaptation. If not, the data

would be evidence of biological variability. Either way, it is hard to picture long-term relief from squirrel problems at bird feeders based upon data such as these.

In Experiment 8, the researchers used oleoresin capsicum, which was

"derived by distilling *Capsicum* powder in a solvent and evaporating the solvent."

The resultant material was mixed to 100,000 SUs with GS seeds or sunflower hearts and offered at the rate of 100-g/day to squirrels who also were offered 100 g/day of untreated GS seed as a challenge diet. Three squirrels each got oleoresin-treated hearts and 3 got treated GS seeds. Two other groups of 3 squirrels each got the same choices but only 50 g/day of each food. Results of these trials are summarized below.

| TREATMENT | DAY | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|--------------|-----|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. GS | 1 | 50 g | 48.28 g | 96.6% | 100% |
| | 2 | 50 g | 43.82 g | 87.6% | 100% |
| | 3 | 50 g | 45.77 g | 91.5% | 100% |
| GS-100K SUs | 1 | 50 g | 0.1 g | 0.2% | 0.2% |
| | 2 | 50 g | 0.0 g | 0% | 0% |
| | 3 | 50 g | 0.0 g | 0% | 0% |
| HRT-100K SUs | 1 | 50 g | 0.5 g | 1.0% | 1.0% |
| | 2 | 50 g | 0.1 g | 0.2% | 0.2% |
| | 3 | 50 g | 0.1 g | 0.2% | 0.2% |
| Untr. GS | 1 | 100 g | 63.8 g | 63.8% | 100% |
| | 2 | 100 g | 57.5 g | 57.5% | 100% |
| | 3 | 100 g | 50.6 g | 50.6% | 100% |
| GS-100K SUs | 1 | 100 g | 0.7 g | 1.4% | 1.1% |
| | 2 | 100 g | 0.0 g | 0% | 0% |
| | 3 | 100 g | 0.0 g | 0% | 0% |
| HRT-100K SUs | 1 | 100 g | 0.6 g | 1.2% | 0.9% |
| | 2 | 100 g | 0.6 g | 1.2% | 1.0% |
| | 3 | 100 g | 0.2 g | 0.2% | 0.4% |

These data suggest a powerful treatment effect which might have been due to factors such as the hotness (100,000 SUs) of the treated foods, superiority in repellency of the oleoresin preparation over the powder-dextrin approach, or use of naive squirrels.

Experiment 9 was a partial replication of Experiment 8, except that each challenge diet was an untreated version of the treated diet used (i.e., treated seeds opposed untreated seeds; treated heart opposed untreated hearts). This change

was made "to eliminate the hull-weight discrepancy." Only the 100 g/day groups (3 squirrels each) were run. Test results, summarized below, suggest powerful treatment effects, with possible waning on the third day. The take of lower amounts of untreated hearts than untreated seed might have been due to the aforementioned hull situation.

| TREATMENT | DAY | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|--------------|-----|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. hrts | 1 | 100 g | 39.9 g | 39.9% | 100% |
| | 2 | 100 g | 33.7 g | 33.7% | 100% |
| | 3 | 100 g | 49.1 g | 49.1% | 100% |
| HRT-100K SUs | 1 | 100 g | 0.9 g | 0.9% | 2.3% |
| | 2 | 100 g | 0.0 g | 0.0% | 0% |
| | 3 | 100 g | 4.2 g | 4.2% | 8.6% |
| Untr. GS | 1 | 100 g | 71.2 g | 71.2% | 100% |
| | 2 | 100 g | 76.8 g | 76.8% | 100% |
| | 3 | 100 g | 66.3 g | 66.3% | 100% |
| GS-100K SUs | 1 | 100 g | 0.3 g | 0.3% | 0.4% |
| | 2 | 100 g | 0.0 g | 0% | 0% |
| | 3 | 100 g | 1.7 g | 1.7% | 2.6% |

Experiment 10 consisted of a 3-day, no-choice offering of 20 g/day of oleoresin-treated sunflower hearts. Seventeen squirrels were used in this trial. Test squirrels consumed an average of just 0.2 g of treated hearts/day, with the highest daily mean being 0.5 g on Day 2. These results suggest that it is possible to make an oleoresin capsicum treatment too hot for squirrels to adapt to over 3 days, even under conditions of hunger.

Because treated seeds "were visibly reddish-orange", the researchers ran Experiment 11 to assess the effects of food-color dyes on seed intake by squirrels. Eighteen squirrels were offered 25 g each of unidentified seeds undyed or dyed red, blue, or yellow. Seeds were offered "cafeteria style" on the elevated platforms discussed above under Curtis, et al (1996). Squirrels consumed means of 8.2 g of the undyed seeds, 7.8 g of the red, 8.2 g of the blue, and 6.6 g of the yellow. The authors report that the differences among these means were not significant.

In Experiment 12 a suet was used as the carrier. The researchers offered 40 g/day of one of 4 suet mixtures and 40 g/day of GS seed to 16 squirrels for 4 consecutive days. The 4 suet mixtures included treatments at three different levels of hotness and untreated suet. As can be seen by the empty cells in the table below, the authors do not report each day's numerical results for all treatments. They do illustrate the results in their Fig. 15, which suggests that the 24,000 SU

suet increased in aversiveness over time while the suet laced to 6,000 and 12,000 SUs were not consistently less palatable than untreated suet. Fig. 15 depicts acceptances of 12,000- and 24,000-SU suet as being significantly below that of GS seeds throughout the test but the 12,000-SU suet was taken far more readily than the 24,000. All suet were accepted significantly less readily than GS seeds on Day 1, but there were no significant differences among suet in the amounts taken on that date.

| TREATMENT | DAY | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/DAY | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|-------------|-----|------------------------------|---------------------|------------------------------|----------------------------|
| Untr. GS | 1 | 40 g | | | 100% |
| | 2 | 40 g | | | 100% |
| | 3 | 40 g | 34.4 g | 86.0% | 100% |
| | 4 | 40 g | 32.2 g | 80.5% | 100% |
| Untr. Suet | 1 | 40 g | | | |
| | 2 | 40 g | | | |
| | 3 | 40 g | | | |
| | 4 | 40 g | 26.4 g | 66.0% | 82.0% |
| Suet-6K SU | 1 | 40 g | | | |
| | 2 | 40 g | | | |
| | 3 | 40 g | 30.5 g | 76.2% | 88.7% |
| | 4 | 40 g | 22.2 g | 55.5% | 68.9% |
| Suet-12K SU | 1 | 40 g | | | |
| | 2 | 40 g | | | |
| | 3 | 40 g | | | |
| | 4 | 40 g | | | |
| Suet-24K SU | 1 | 40 g | | | |
| | 2 | 40 g | | | |
| | 3 | 40 g | | | |
| | 4 | 40 g | | | |

Overall, Experiment 12 suggests that, given a choice between suet and GS seeds, gray squirrels prefer the seeds. The data further suggest that it may have taken squirrels a while to discover that the suet was treated and that squirrels especially avoided the hottest (24,000 SUs) of the three treated suet used. As no squirrel experienced more than one treated suet in this trial and as there were only 4 squirrels per treatment group, any inferences drawn from this (or many of the other tests discussed above) should be guarded.

For the test that was to be called Experiment 13, Joe Dunn of Snyder provided the researchers with mixtures including treated peanuts and treated sunflower seeds along with untreated cracked corn and millet. The rationale was to treat only the types of food that squirrels favor. A control mix (presumably no seeds treated) and two semi-treated (only peanuts and sunflower seeds being treated) mixes were used.

One of the semi-treated mixtures had twice as much dextrin glue as did the other. Nine squirrels were offered 33 g of each of the 3 mixtures for one day. There were obvious treatment effects, with the 1X-glue formulation being at least as aversive as the 2X-glue mixture.

| TREATMENT | AMOUNT OFFERED | AMOUNT TAKEN | % OF AMOUNT OFFERED TAKEN | % OF TOTAL CONTROL TAKE |
|---------------|-------------------|-----------------|------------------------------|----------------------------|
| Untr. mix | 33 g | 12.0 g | 36.4% | 100% |
| Mix w/glue | 33 g | 0.2 g | 0.6% | 1.7% |
| Mix w/2X glue | 33 g | 1.2 g | 3.6% | 10.0% |

The authors state that the total take of all 3 materials was

"far lower than the typical winter daily consumption (60-100 g) due to the low ration of desirables (sunflower seeds and peanuts) to undesirables (millet and cracked corn) in these mixes.

"Experiment 14 was the first field trial of this series. At an undescribed location, 4 platform feeders were placed. Each of these received 150 g of one of the following: untreated GS seeds or seeds (GS?) treated to 8,250, 27,500, or 82,500 SUs. Seeds were made available for 2-3 hours per day for 6 days.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/HR | % OF TOTAL AMOUNT TAKEN | % OF TOTAL CONTROL TAKE |
|----------------|------------------------------|--------------------|----------------------------|----------------------------|
| Untr. GS seeds | 150 g | 25.9 g | 85.8% | 100% |
| A-8,250 SUs | 150 g | 2.3 g | 7.6% | 8.9% |
| B-27,500 SUs | 150 g | 1.2 g | 4.0% | 4.6% |
| C-82,500 SUs | 150 g | 0.8 g | 2.6% | 3.1% |

The results of Experiment 14 suggest powerful deterrent effects for all treatments over a 10-fold range of hotness under the conditions of testing. The conditions of testing probably included the presence of untreated sunflower seeds at all times as the mean rate of consumption of GS seeds times the maximum exposure period (3 hr) gives a product of 77.7 g of seeds, just over half of the amount placed.

Experiment 15 was a seed-color preference test conducted under field conditions with no capsaicin treatments. As in Experiment 11, squirrels were offered 25 g each of unidentified seeds undyed or dyed red, blue, or yellow. These seeds were offered "separately in the four sections of the platform feeders". Means of 5.4 g of the undyed seeds, 4.9 g of the red, 4.8 g of the blue, and 4.8 g of the yellow were removed and presumably consumed. The authors report that the differences among these means were not significant.

Experiment 16 was much like Experiment 14, except that only

one treated and one control type of seeds as used at each site. Placements of 150 g of each food in a pairing were exposed to free-ranging squirrels for 3 hr. There were "12 replicates for each treatment" over a 9-day period, but it is not clear whether more than one test site was involved and whether more than one exposure period was run per day at any one site. The treatments were the same as those used in Experiment 14.

Results of Experiment 16, summarized in the table immediately below, suggest a straightforward concentration or hotness effect. As the presentations of this trial's results are collapsed over time, it is not possible to determine whether there was any waning of effects after repeated exposures.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/HR | % OF TOTAL CONTROL TAKE |
|----------------|------------------------------|--------------------|----------------------------|
| Untr. GS seeds | 150 g | 27.2 g | 100% |
| A-8,250 SUs | 150 g | 18.4 g | 67.6% |
| B-27,500 SUs | 150 g | 8.7 g | 32.0% |
| C-82,500 SUs | 150 g | 1.2 g | 4.4% |

Experiment 17 was patterned after Experiment 16, except that sunflower hearts were used rather than whole seeds. The results obtained in this trial are summarized in the table immediately below. In this case, all capsaicinoid treatments deterred feeding; and there was no statistically significant difference across treatments.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/HR | % OF TOTAL CONTROL TAKE |
|--------------|------------------------------|--------------------|----------------------------|
| Untr. hearts | 150 g | 44.9 g | 100% |
| A-8,250 SUs | 150 g | 10.2 g | 22.7% |
| B-27,500 SUs | 150 g | 8.9 g | 19.8% |
| C-82,500 SUs | 150 g | 6.6 g | 14.7% |

Experiment 18 was a replication of Experiment 14 except for the use of sunflower hearts instead of sunflower seeds. Again, 150 g of treated and untreated material were placed on separate platform feeders were placed. The materials placed included untreated hearts seeds or hearts treated to 8,250, 27,500, or 82,500 SUs. Hearts were made available for 2-3 hours per day for 6 days.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/HR | % OF TOTAL AMOUNT TAKEN | % OF TOTAL CONTROL TAKE |
|--------------|------------------------------|--------------------|----------------------------|----------------------------|
| Untr. Hearts | 150 g | 52.9 g | 69.6% | 100% |
| A-8,250 SUs | 150 g | 9.5 g | 12.5% | 18.0% |
| B-27,500 SUs | 150 g | 11.1 g | 14.6% | 21.0% |
| C-82,500 SUs | 150 g | 2.5 g | 3.3% | 4.7% |

The authors report that there were no significant differences among treatments, although the consumption rate for the 82,500-SUs was numerically the lowest of the 3 treatments. The authors report that the researchers had noticed an effect of dominant individuals at the test sites which they believed to be responsible for the somewhat higher consumption of the 27,500-SU hearts than the 8,250-SU hearts. A deliberate manipulation designed to test the dominance hypothesis yielded results that were consistent with it.

Experiment 19 tested "the commercially-produced wild bird seed mixtures" from Experiment 13 under field conditions. The control mix and the 1X-glue and 2X-glue mixes were offered simultaneously in 150-g amounts on elevated platforms for 3-hr periods.

| TREATMENT | AMOUNT OFFERED PER DAY | AMOUNT TAKEN/HR | % OF TOTAL AMOUNT TAKEN | % OF TOTAL CONTROL TAKE |
|---------------|------------------------------|--------------------|----------------------------|----------------------------|
| Untr. Mix | 150 g | 49.8 g | 79.0% | 100% |
| Mix w/glue | 150 g | 3.0 g | 4.8% | 6.0% |
| Mix w/2X glue | 150 g | 10.2 g | 16.2% | 20.5% |

Test results are summarized in the table immediately above. There is a clear effect of capsaicinoid treatment. While the marked numerical difference between the treated mixes with 1X and 2X glue is not statistically significance, it is tempting to infer that the hotness is masked by the use of too much glue. It is clear that the 2X-glue treatment does not make the product work better.

Experiment 20 dealt with attempts "to determine the relative amount of sunflower hearts" that wild gray squirrels would consume in 3 hr. It appears that squirrels were offered 600 g of untreated hearts, divided into 150-g portions placed in each quarter of an elevated platform. In the same manner, 600 g of sunflower hearts treated to 8,250 SUs also were exposed. Three 3-hr placement "bouts" were run for the test and control materials. It appears that the treated material was not exposed simultaneously with the untreated hearts.

| TREATMENT | AMOUNT OFFERED PER DAY | TEST BOU T | AMOUNT TAKEN/HR | % OF CORRES. CONTROL TAKE |
|--------------|------------------------------|----------------------|--------------------|---------------------------------|
| Untr. Hearts | 600 g | 1 | 73.2 g | 100% |
| | 600 g | 2 | 100.7 g | 100% |
| | 600 g | 3 | 125.8 g | 100% |
| | | All | 99.9 g | 100% |
| A-8,250 SUs | 600 g | 1 | 72.8 g | 99.5% |
| | 600 g | 2 | 40.2 g | 39.9% |
| | 600 g | 3 | 98.1 g | 80.0% |
| | | All | 70.4 g | 70.5% |

As an adjunct to Experiment 20, the researchers placed whole sunflower seeds treated to 82,500 SUs in the same test area(s) and in the same manner used for placing treated and untreated sunflower hearts. The overall mean consumption of the 82,500-SU seeds was 20.3 g/hr, with means for individual bouts being 10.0 for the first bout, 27.5 g/hr for the second, and 23.2 g/hr for the third. Possibly, the squirrels learned to tolerate the product over time. They also might have learned how to pace ingestion of treated seeds so as to obtain some nutrition without suffering too much pain.

In their "DISCUSSION" of the research covered by their report, Fitzgerald, et al (1995) note that discarding of hulls and "undesirable items" (millet and cracked corn) by squirrels occurred routinely and was not differentiated from reported consumption in some cases, especially Experiments 2-4. They note that both behavioral observations and weighbacks showing virtually no consumption or removal suggest that squirrels are able to detect high levels of capsaicinoids remotely, perhaps by olfaction, vomeronasal detection, or trigeminal or mucosal irritation from airborne particles. Ocular irritation is a possibility not mentioned for squirrels but noted for the researchers (see below).

The authors suggest that Experiments 13 and 19, those involving glue,

"illustrated the usefulness of loose pepper for increasing efficacy."

By this, they seem to mean that the numerically lower consumptions of mixes containing less glue are proof positive that a less complete glue job leaves some free hot particles which can irritate squirrels somewhat remotely (or at least somewhat more rapidly). Although the numerical differences between preparations made at the two glue strengths were not statistically significant, the postulated effect and reason for it do not seem unreasonable.

The authors believe that the sharper and more prolonged aversions seen with free-ranging squirrels than with captive squirrels can be explained by the lack of alternative foods for the latter under the conditions of testing. While this explanation also seems plausible, it is important to recall that their captive squirrels were free-ranging squirrels shortly before they were collected for use in certain experiments. Therefore, it is reasonable to infer that free-ranging squirrels under conditions of extreme hunger (as might be brought on by overpopulation and/or very cold and perhaps snowy weather, also would take treated seeds fairly readily. This circumstance arises for other feeding deterrent chemicals which do not make the target animals ill or kill them. Recognizing this possibility, even under less extreme conditions, the authors state

"that capsaicin's efficacy in reducing consumption of bird seed by squirrels is greatest when offered with a more palatable food choice. People who feed birds should be encouraged to purchase squirrel foods (i.e., untreated seed or ear corn) as well as treated bird seed with the intention of attracting squirrels to the alternative foods."

It also should be remembered that the captive squirrels never were more than a few feet from a source of water. This circumstance might have made mucosal hotness easier to remedy than was the case with free-ranging squirrels.

Coupled with the results of the long-term field trial reported by Curtis, et al (1996), the data reported by Fitzgerald, et al (1995) suggest potential efficacy for products of the types for which Snyder Seed has applied for Federal registrations. It is not possible to proceed from the test results to the product labels because the materials used in the efficacy studies were not described in terms of percents of total or various distinct capsaicinoids. The use of dextrin glue in the production of (some of?) the treated items tested (at least) by Fitzgerald, et al (1995), suggests that specific formulations being proposed for registration actually may not have been field tested. Presumably, making treated suet would not have required use of the glue, but treated suet was not field tested. The critical efficacy issue as far as binding capsaicin sources to treated foods seems to be:

At what degree of "sticking" are the somewhat contradictory needs to retain material on the food and to have some airborne material optimized?

The issue of the appropriate degree of binding of capsaicin sources to treated food raises safety issues as well as the efficacy issues. Below is a passage taken from the report by

Fitzgerald, et al (1995), which pertain to human safety concerns.

"It is worth noting that researchers, too, were visibly affected by some of the treated food items. Continued exposure to volatile pepper dust during weighing resulted in an allergic response, triggering sneezing, tearing, and perspiration. The allergic response was worsened when handling treatments B (27,500 SUs) and C (82,500 SUs) due to the loose pepper particulates abundant in them and frequently produced violent and continuous sneezing and coughing. When researchers accidentally rubbed their eyes or touched their mouths, these areas became irritated. This topical burning sensation was considerably worse when handling oleoresins (H and I). Furthermore, treatments H and I left an oily residue on contact, and required several (>4) vigorous washings with soap and water to remove. Even after the washing, the burning sensation often reappeared when researchers touched a sensitive area (e.g., nose, eyes, lips)."

This text raises a number of concerns about the appropriateness of the precautionary labeling proposed for these products. If the finished baits are hot enough to be effective against hungry squirrels, they would seemingly also have to be hot enough to be potentially bothersome to people. If not, such products would be less than satisfactory from the standpoint of efficacy. The ground peppers concentrate product (68563-E) clearly could be expected to be bothersome to humans, especially to those who -- following proposed label directions -- would be diluting it 1:40 with presumably dry bird seed. For 68563-E, Snyder Seed proposes the signal word "CAUTION" and the following precautionary text:

"Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling."

This text strikes me as being inadequate in light of the statements made by Fitzgerald, et al (1995), who only handled prepared food formulations.

The proposed labels for these products claim no use sites and hardly claim a pest. The claims (e.g., "Keeps birdseed SQUIRREL FREE™") noted above under "Uses" offers the only clue as to the purpose to which these products are supposed to be put. For 68563-R and 68563-G, the use directions are limited to the text shown immediately below.

"DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.
Ready to use. Set out and let the birds enjoy."

The use directions for 68563-E are shown below.

"DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.
DIRECTIONS. Mix one part of product with 40 parts bird seed. Set out and let the birds enjoy."

Although these products would appear to be among the easiest of pesticides to use, the proposed use directions seem to me to be too limited and too informal. The use directions should indicate where the products are to be used, the species that the products are claimed to deter from feeding on treated seeds, and specifically what must be done to apply the product. The directions also should indicate any appropriate application-related cautions or limitations.

If 68563-E were mixed as directed, the birdseed-product mixture would be expected to be 0.026% total claimed capsaicinoids, assuming that the concentrate adhered fully to the seed. This capsaicinoid concentration would be reasonably close to the total (0.0251%) being claimed for 68563-R. The total capsaicinoid concentration being claimed for 68563-G is 0.0873 -- more than 3X those claimed for the seed mixtures. Whether there is a specific need for using a higher concentration of active ingredient in the suet is not clear, even after reading Fitzgerald, et al (1995). The capsaicinoids would be on the surface of the seeds but might be mixed throughout the suet. This circumstance would seem to favor raising the capsaicinoid concentration in the suet. On the other hand, the capsaicinoids might be retained better in the suet than they would be if mixed with seeds without a sticking agent. Throw in considerations from discussions (see above) of the possible need for having airborne particles and the situation becomes very confusing.

The combined capsaicinoid concentration claimed for 68563-E is 1.0803%. This is roughly twice the level of "Capsaicin and related compounds" claimed for the registered SQUIRREL AWAY™ product registered to Scrypton Systems of Annapolis, MD. SQUIRREL AWAY™ also is a dry concentrate. The accepted label for SQUIRREL AWAY™ states that 8 g of that product are to be mixed with "eight cups of bird feed". How such a mixture would compare in Scoville Units to the 1:40 dilution proposed for 68563-E is not clear. HOT SAUCE® ANIMAL REPELLENT (72-574, Miller Chemical & Fertilizer Corporation, Hanover, PA) is a liquid product claimed to be 2.5% capsaicin ("From oleoresin

of capsicum") and to deter squirrels from maple syrup collecting equipment when diluted at a ratio of 8 fl. oz. product to 5 gal of petroleum jelly and topically applied to the tubing. The applicability of this dilution ratio to anything claimed for Snyder Seed's 3 products also is not clear. What is clear is that capsaicinoids can deter oral contact by gray squirrels with objects or foods treated to a sufficient degree of hotness, whatever that happens to be (up to 82,500 to 100,000 SUs in some trials discussed above, as low as 8,250 SUs in others)

202.0 CONCLUSIONS

[NOTE TO ADMINISTRATIVE REVIEWER: ~~THIS REVIEW DISCUSSES CBI~~ AS WOULD ANY LETTERS WHICH INCLUDED MATERIAL INCORPORATED WITHOUT MODIFICATIONS FROM THE "CONCLUSIONS" SECTION. DO NOT RELEASE THIS REVIEW OR ITS "CONCLUSIONS" SECTION TO ANYONE OTHER THAN EPA EMPLOYEES WITH APPROPRIATE CLEARANCES, THE APPLICANT OR AGENTS AUTHORIZED, IN WRITING, BY THE APPLICANT TO HAVE ACCESS TO CBI PERTAINING TO THESE PRODUCTS. The ingredients statements proposed for these products seem to be inconsistent with what we have done in the past for capsaicin-containing products. These statements should be revised to be consistent with our policies in this regard. The precautionary labeling proposed for these products seem to me to be woefully deficient, especially when the comments (quoted above under "DATA SUMMARY") from researchers who handled only formulated test products are considered.]

68563-R

1. Data included in the efficacy reports by Fitzgerald, et al (1995), and Curtis, et al (1996, MRID# 441467-10) indicate that it is possible to discourage feeding by gray squirrels on feeds of the types used at bird feeders by treating all or parts of such feeds with capsaicinoids.

It is not clear from the information provided that the formulation proposed for 68563-R (to the extent that it has been specified) was used in any of the tests discussed in these two reports. The test material described by Curtis, et al (1966) clearly did not correspond to the product described by the Confidential Statement of Formula (CSF) dated "10-18-96" that was submitted for 68563-R. If, as their report suggests, the treated preparations tested by Fitzgerald, et al (1995), contained a dextrin "glue", none of these could have been identical to the product described by the CSF of "10-18-96" for 68563-R. Insufficient information was provided to reconcile the information on the hotness of the formulations offered to squirrels with the active ingredient strengths proposed for this product.

The CSF of "10-18-96" is deficient in that it does not indicate the exact mixture of seeds that would be used in making this product. The report by Fitzgerald, et al (1995) suggests that the composition of the treated material can be important both to squirrels and to birds. The exact composition of the mixture also can be important to users interested in attracting specific types of birds (to the exclusion of others) by using specific types of seeds or seed mixes. Such customers, potentially much of the market for this type of product, need to know that they are getting the same product each time they buy it.

There are two basic ways to specify the exact composition of the "seed" component of this product. The first involves identifying each type of seed and indicating the weight and percent the product comprised by each type used. The second approach involves naming a specific commercially available bird seed product that invariably would be used in the preparation of the product when it was sold under a particular brand name.

Because the seed component of the product is intended to be offered as food for birds and not for squirrels, we would be willing to depart from our typical policy with respect to vertebrate pesticides and permit use of alternate seed formulations for a product such as 68563-R. To take advantage of this exception, you would have to make each alternate formulation in the same basic manner (e.g., if you treat all seeds for the basic formulation you also would have to treat all seeds for all of the alternate formulations). You also would have to keep the percent of each active ingredient claimed constant among all formulations used for the product, submit a CSF specific to each formulation that you intend to make, and propose a distinctive and descriptive alternate brand name for each alternate formulation. If a formulation were made from sunflower seeds, the word "sunflower" should appear in its specific alternate brand name. If the formulation included a mixture of different types of seeds, the alternate brand name for it should include an expression such as "seed mixture". If you intend to offer several mixtures, then each mixture should have a distinctive name. If you have good reasons to believe that a particular preparation would be especially attractive to particular bird types, the alternative formulation for that preparation may allude to those species (e.g., "Snyder's Squirrel FreeTM Brand Seed Mix for Sparrows").

2. The label proposed for 68563-R is deficient in several ways related to efficacy concerns.

- a. The label bears no specific claims of sites and pests. The closest that label comes to making a pest claim is the promotional statement "Keeps birdseed SQUIRREL FREE™". That statement is a false and misleading claim of absolute efficacy which common experience and the data that you have submitted refute. There was some feeding by squirrels on virtually all formulations tested. We do not believe that the trademark designation adequately softens this claim because "SQUIRREL FREE™" is being used apart from the trade name proposed for this product and "™" is not a sufficiently prominent indicator that "SQUIRREL FREE" is merely a trade name. A claim consistent with what users might reasonably expect from this product would be

"Bird seed that has been treated to discourage feeding by gray squirrels."

- b. The proposed "DIRECTIONS FOR USE" do not indicate what the product is supposed to do, where the product may be used, and how the product should be used. These "directions" also fail to inform users of any special restrictions, limitations, or personal protection needed when applying this product. As this product is proposed as a mixture of seeds and capsicum sources, there are likely to be significant amounts of airborne capsicum particles at times when the product is being applied. As bird feeders are often situated at eye level or above, there are potentials for ocular and mucosal exposures to people who use this product. If these people are pouring the contents of containers directly into feeders, the amount of airborne dust encountered could be very significant, particularly when the containers are being emptied.

The text indicated below would be a great improvement over that which you have proposed.

"DIRECTIONS FOR USE"

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of bird seeds that have been treated to discourage feeding by gray squirrels. This product may be used in yards around homes and other buildings where seeds are placed in feeders or on the ground to attract and feed wild birds. Wear rubber gloves when handling

this product. Wear eye and face protection when pouring this product directly from its container and/or when loading this product into feeders situated near or above eye level.

Application Directions: Fill feeders or place product on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return."

68563-E

1. Data included in the efficacy reports by Fitzgerald, et al (1995), and Curtis, et al (1996, MRID# 441467-10) indicate that it is possible to discourage feeding by gray squirrels on feeds of the types used at bird feeders by treating all or part such feeds with capsaicinoids. It is not clear from the information provided that the specific formulation proposed for 68563-E was used in the preparation of any of the test materials discussed in these two reports.
2. The label proposed for 68563-E is deficient in several ways related to efficacy concerns.
 - a. The label bears no specific claims of sites and pests. The closest that label comes to making a pest claim is the promotional statement "Keeps birdseed SQUIRREL FREE™". That statement is a false and misleading claim of absolute efficacy which common experience and the data that you have submitted refute. There was some feeding by squirrels on virtually all formulations tested. We do not believe that the trademark designation adequately softens this claim as SQUIRREL FREE™ is being used apart from the proposed name for this product. The "™" does not, in our judgment, adequately indicate that the expression "SQUIRREL FREE™" is merely a trade name. A claim appropriate for what users might be able to expect from this product would be

"A concentrate for treating bird feed to discourage feeding by gray squirrels."
 - b. The proposed "DIRECTIONS FOR USE" do a poor job of indicating how to treat bird feeds with the product and fail to indicate what the product is supposed to do, where the product may be used, and exactly how the product should be used. These "directions"

also fail to inform users of any special restrictions, limitations, or personal protection needed when mixing or applying this product. As this product is proposed to be pure ground capsicum, there are likely to be significant amounts of airborne capsicum particles when bird feed is being treated with this product and when the finished mixes are being applied. This product should not be mixed indoors or by anyone in a downwind position. As bird feeders are often situated at eye level or above, there also are potentials for ocular and mucosal exposures to people who apply mixtures made from this product. If these people are pouring the contents of containers directly into feeders, the amount of airborne dust encountered could be very significant, particularly as your mixing directions do not call for use of any sticking agent.

The text indicated below would be a great improvement over that which you have proposed.

"DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product may be used to discourage feeding by gray squirrels on feeds used to attract and nourish wild birds. Feed treated with this product may be used in yards around homes and other buildings where bird feed is placed in feeders or on the ground. Wear eye and face protection and rubber gloves when mixing or handling this product, and/or when loading feeds made from this product into feeders situated near or above eye level. Do not mix this product indoors or in a downwind position.

Mixing Directions: Outdoors, in a protected area out of the wind, mix one part of this product with 40 parts, by weight, of the type of bird feed that you intend to apply. This ratio would be achieved if the entire contents of this package were mixed with 7.5 pounds of feed. [INDICATE HOW MIXING IS TO BE ACHIEVED, AS IN THIS EXAMPLE: Use a container that can be completely sealed and is large enough to

facilitate mixing of the product with the amount of feed that you intend to treat. Close top of container securely and shake container thoroughly, inverting the container occasionally to promote complete mixing.]

Application Directions: Fill feeders with feed treated with this product or place such feed on the ground in the manner appropriate for the species of birds that you are trying to attract and feed. Repeat use if squirrels return."

Note that the text in brackets [] indicates where you are expected to supply the missing information.

68563-G

1. Data included in the efficacy report by Fitzgerald, et al (1995) suggest that it is possible to discourage feeding by gray squirrels on suet if it has been treated with capsaicinoids. The hotness of the preparation appeared to be a critical factor in determining the extent to which treated suet limited feeding by squirrels.

It is not clear from the information provided that the formulation proposed for 68563-G (to the extent that it has been specified) was used in any of the test discussed by Fitzgerald, et al (1995). The test described by Curtis, et al (1966) clearly did not involve a treated-suet formulation.

The Confidential Statement of Formula (CSF) dated "10-18-96" is deficient in that it does not indicate the exact suet mixture that would be used in making this product. The composition of the treated material could be important both to squirrels and to birds. The exact composition of the mixture also can be important to humans who may be trying to attract specific types of birds (to the exclusion of others) by using specific types of suet or suet/seed mixes. Such customers, potentially much of the market for this type of product, need to know that they are getting the same product each time they buy it.

There are two basic ways to specify the exact composition of the suet component of this product. The first involves identifying each particular ingredient in the suet and listing the weight and proportion of the total formulation (with certified limits) for each ingredient. The second approach involves naming the specific

commercially available bird suet product that invariably would be used in the preparation of the product when it was sold under a particular brand name.

Because the suet component of the product is intended to be offered as food for birds and not for squirrels, we would be willing to depart from our typical policy with respect to vertebrate pesticides and permit use of alternate suet or suet/seed formulations for a product such as 68563-G. To take advantage of this exception, you would have to make each alternate formulation in the same basic manner. You also would have to keep the percent of each active ingredient claimed constant among all formulations used for the product, submit a CSF specific to each formulation that you intend to make, and propose a distinctive and descriptive alternate brand name for each alternate formulation. If a formulation had some sunflower seeds mixed into it, the words "with sunflower seeds" should appear in its specific alternate brand name. If you have good reasons to believe that a particular preparation would be especially attractive to particular bird types, the alternative formulation for that preparation may allude to those species (e.g., "Snyder's Squirrel Free™ Suet for Woodpeckers").

2. The label proposed for 68563-G is deficient in several ways related to efficacy concerns.
 - a. The label bears no specific claims of sites and pests. The closest that the label comes to making a pest claim is the promotional statement "Keeps suet SQUIRREL FREE™". That statement is a false and misleading claim of absolute efficacy which is refuted by the limited data that you have submitted. There was some feeding by squirrels on all treated-suet preparations tested. We do not believe that the trademark designation adequately softens this claim because SQUIRREL FREE™ is being used apart from the proposed name for this product. A claim appropriate for what users might be able to expect from this product would be

"Suet that has been treated to discourage feeding by gray squirrels."
 - b. The proposed "DIRECTIONS FOR USE" do not indicate what the product is supposed to do, where the product may be used, or specifically how the product should be used. These "directions" also fail to inform users of any special restrictions, limitations, or personal protection needed when applying this product. As this product is proposed

as a mixture of suet and a capsicum source, there amounts of airborne capsicum particles associated with this product would be not be expected to be as great was with a treated seed or a dry concentrate products. Dermal contact with the product might have negative consequences, including transfer of oily, capsaicinoid-impregnated material from finger tips to more sensitive parts of the body. People who handle this product should at least be encouraged to wear protective gloves.

The text indicated below would be a great improvement over that which you have proposed.

"DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Use Restrictions: This product consists of suet that has been treated to discourage feeding by gray squirrels. This product may be used in yards around homes and other buildings where suet is dispensed to attract and feed wild birds. Wear rubber gloves when handling this product and avoid touching your eyes and face until you have removed when gloves and washed your hands.

Application Directions: Place product in suet dispensers where use by squirrels has been or is likely to be a problem. Replace suet if it is depleted by birds. Repeat use of treated suet if squirrels return."

If this product is to be packaged in plastic for loading into a particular type of suet dispenser, the "**Application Directions:**" may refer to the specific packaging and dispenser.

William W. Jacobs
Biologist
Insecticide-Rodenticide Branch
February 13, 1997

DP BARCODE: D232597

EFF

Dan

CASE: 060987
SUBMISSION: S515655

DATA PACKAGE RECORD
BEAN SHEET

DATE: 01/15/97
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 166 RESB NEW PRO-OC-MIN CHG
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0251%

ID#: 068563-R PEPPER TREAT WILD BIRD SEED

COMPANY: 068563 SNYDER SEED CORP

PRODUCT MANAGER: 14 WILLIAM JACOBS 703-305-6406 ROOM: CM2 259

PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221

RECEIVED DATE: 12/10/96 DUE OUT DATE: 06/18/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 232597 EXPEDITE: N DATE SENT: 01/15/97 DATE RET.: / /

CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)

P TYPE: 001 Submission Related Data Package

CSF: Y

LABEL: Y

| ASSIGNED TO | DATE | IN | DATE | OUT | ADMIN DUE DATE: 06/14/97 |
|--------------|------|----|------|-----|--------------------------|
| DIV : RD | / | / | / | / | NEGOT DATE: / / |
| BRAN: IRB | / | / | / | / | PROJ DATE: / / |
| SECT: PMT-14 | / | / | / | / | |
| REVR : | / | / | / | / | |
| CONTR: | / | / | / | / | |

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Please review the attached material for these 3 Synder Seed products.

I have sent reviews to Chem and tox.

Dan Peacock

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

| DP BC | BRANCH/SECTION | DATE OUT | DUE BACK | INS | CSF | LABEL |
|-------|----------------|----------|----------|-----|-----|-------|
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Tox

January 16, 1997

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Background on Snyder's Three Squirrel Repellent Products
Pepper Treat Wild Bird Seed
EPA File Symbol 68563-R
Seed Saver
EPA File Symbol 68563-E
Suet with Pepper Treat
EPA File Symbol 68563-G

FROM: Dan Peacock, Biologist
PM Team 14

TO: Reviewers (Efficacy, Chemistry, and Toxicology)

To make your reviews of these products easier, I am providing some background on these products. In addition, I am clarifying confusing aspects of these submissions: the proper designation of the two "new" actives (Dihydrocapsaicin and Norhydrocapsaicin); the % and source of actives and need to dilute before use; and the reason for two sets of acute toxicity tests.

A. Background

On August 21, 1995, we provided Snyder Seed with a list of data requirements for these and other Capsaicin Rodent Repellents. See attached letter.

B. Proper Designation of "New" Actives

When the Agency received these three applications, the applicant listed three actives on its labels:

1. Capsaicin
2. Dihydrocapsaicin
3. Nordihydrocapsaicin

The inprocessing unit noted that the last two ingredients were "new" and proposed a "New Chemical/First Food Use Screen" for them.

Actually, these two ingredients are not "new". In the past, they were included 1) as "Related Compounds", prior to the 1992 Capsaicin Reregistration Eligibility Decision (RED) and 2) as "Related Capsaicinoids" after the 1992 Capsaicin RED. I would prefer to include these two ingredients as "Related Capsaicinoids".

C. % and Source of Actives and Need to Dilute

1. 68563-R: .0251% Capsaicin & related Capsaicinoids
Source: Ground Capsicum & Oleoresin of Capsicum
Ready-to-use
2. 68563-E: 1.08% Capsaicin & related Capsaicinoids
Source: Ground Capsicum
Mix 1 to 40 with bird food
3. 68563-G: 0.0873% Capsaicin & related Capsaicinoids
Source: Oleoresin of Capsicum
Ready-to-use

D. Need for Two Sets of Acute Toxicity Tests

In our August 21, 1995, letter we specified one of each study. However, because the company had two types of sources (Ground Capsicum & Oleoresin of Capsicum), they elected to run tests on each source.

Also, attached to this memorandum is an annotated bibliography from the Pesticide Document Management System (PDMS)

Attachments: 1. EPA's August 21, 1995, letter to Snyder Seed
2. Annotated Bibliography from the PDMS

Peacock WP#11:A:Capsaici\68563.MEM:305-5407,-6600:1/16/97

286282

AUG 21 1995

350 5-481539

38

351

38

5-492386

Snyder Seed Corporation
1576 Sweet Home road
West Amherst, New York 14228

Attention: Mr. Joseph A. Dunn

Subject: Data Requirements for Capsaicin Rodent Repellents
Your letters of January 25 and May 8, 1995

To register a product for any one of the four use patterns outlined in your letter, you would need the following data and other information:

A. Labeling and Forms

We recommend that you obtain a copy of EPA's "General Information on Applying for Registration of Pesticides in the United States", 2nd Edition. You can order this publication from the National Technical Information Service (NTIS) in Springfield, Virginia. The telephone number for NTIS is 703-487-4640, and the Order No. is "PB92-221811.

Another helpful NTIS publication (PB-95159818) is entitled the Label Review Manual, which explains the finer parts of developing a pesticide label and provides additional guidance to 40 CFR 156.10.

If, however, you simply need copies of registration forms and other key registration documents, such as copies of the FIFRA or regulations, you can simply call 703-308-8341.

B. Product Chemistry - Source material

1. Submit the percentage of Capsaicin in your source product.
2. Submit a specification sheet.

C. Product Chemistry - end-use product

1. Submit the product chemistry data for this product. See the enclosed list of requirements.

D. Acute Toxicology -

1. Eye Irritation Study
2. Skin Irritation Study

You can also satisfy this requirement by citing a similar product to yours in place of doing studies.

E. Efficacy data

Submit the results of data conducted with your product for the following use patterns:

1. Deterrence from feeding on wild bird diet by Eastern Gray Squirrels.
2. Deterrence from feeding on treated poultry feed by Norway rats, roof rats, and house mice.
3. Deterrence from damaging treated boxes.
4. Deterrence from damaging surfaces treated by paint.

Studies should be well designed scientific experiments with appropriate control groups. We suggest that you seek the services of individuals with experience in conducting efficacy trials with rodent repellents and that protocols of proposed studies be submitted for our review before you begin trials.

If you wish to discuss testing with someone on our staff, you can reach Dr. William Jacobs at 703-305-6406.

F. Fish and Wildlife Data

We will not require submission of any data. However, you will need the following text under the standard "Environmental Hazards" heading:

Do not contaminate water when disposing of equipment washwater or rinsate.

Any data submitted to us for review (such as that with your May 3, 1995, letter) must be in accordance with PR Notice 86-5.

If you have any questions about this letter, contact Mr. Dan Peacock at 703-305-5407 or 305-6600.

Sincerely yours,

Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

Enclosures: 1. Data requirements
2. Format label

Peacock WP#6;A:CAPSAICI\SNIDER.:305-5407,-6600:8/21/95

*List of Data for
EPA File Symbols 68563-R, -E, and -G* *Page 1 of 2*

- 44146600 Snyder Seed Corp. (1996) Submission of Product Chemistry Data in Support of the Application for the Registration of Pepper Treat Wild Bird Seed, Suet with Pepper Treat and Seed Saver. Transmittal of 3 Studies.
- 44146601 Snyder Seed Corp. (1996) Manufacturing Process for Seed Saver. Unpublished study. 5 p.
- 44146602 Snyder Seed Corp. (1996) Formation of Impurities for Seed Saver. Unpublished study. 5 p.
- 44146603 Dunn, J.; Schregel, W. (1996) Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Seed Saver. Unpublished study prepared by Snyder Seed Corp. 11 p.
-
- 44146700 Snyder Seed Corp. (1996) Submission of Product Chemistry, Toxicity and Efficacy Data in Support of the Application for Registration of Pepper Treat Wild Bird Seed. Transmittal of 10 Studies.
- 44146701 Snyder Seed Corp. (1996) Manufacturing Process for Pepper Treat Wild Bird Seed: Lab Project Number: 02-12-5. Unpublished study. 5 p.
- 44146702 Snyder Seed Corp. (1996) Formation of Impurities for Pepper Treat Wild Bird Seed. Unpublished study. 5 p.
- 44146703 Dunn, J.; Schregel, W. (1996) Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Pepper Treat Wild Bird Seed. Unpublished study prepared by Snyder Seed Corp. 11 p.
- 44146704 Dunn, J.; Schregel, W. (1996) Analytical Method for High Pressure Liquid Chromatography Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Snyder Seed Corporation's Raw Materials and Products. Unpublished study prepared by Snyder Seed Corp. 22 p.
- 44146705 Dunn, J.; Schregel, W. (1996) Physical and Chemical Characteristics of Pepper Treat Wild Bird Seed, Suet with Pepper Treat and Seed Saver. Unpublished study prepared by Snyder Seed Corp. 11 p.
- 44146706 Dunn, J.; Schregel, W. (1996) Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution. Unpublished study prepared by Snyder Seed Corp. 11 p.

- 44146707 Dunn, J.; Schregel, W. (1996) Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Ground Capsicum (Cayenne). Unpublished study prepared by Snyder Seed Corp. 11 p.
- 44146708 Glaza, S. (1996) Primary Dermal Irritation Study of 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution in Rabbits: Final Report: Lab Project Number: CHW 60103553: TP3014: 60103553. Unpublished study prepared by Corning Hazleton Inc. 27 p.
- 44146709 Glaza, S. (1996) Primary Dermal Irritation Study of Ground Capsicum (Cayenne) 200,000 SHU in Rabbits: Final Report: Lab Project Number: CHW 60103555: 60103555: TP3014. Unpublished study prepared by Corning Hazleton Inc. 27 p.
- 44146710 Curtis, P.; Krahling, C.; Richmond, M. (1996) Evaluation of Capsaicin as an Aversive Agent to Consumption of Birdseed by Gray Squirrels (Sciurus carolinensis). Unpublished study prepared by Cornell University. 13 p.
-
- 44151000 Snyder Seed Corp. (1996) Submission of Product Chemistry Data in Support of the Application for Registration of Suet with Pepper Treat. Transmittal of 2 Studies.
- 44151001 Snyder Seed Corp. (1996) Formation of Impurities for Suet with Pepper Treat. Unpublished study. 5 p.
- 44151002 Dunn, J.; Schregel, W. (1996) Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Suet with Pepper Treat. Unpublished study prepared by Snyder Seed Corp. 11 p.
-
- 44189200 Snyder Seed Corp. (1996) Submission of Toxicity Data in Support of the Application for Registration of Pepper Treat Wild Bird Seed. Transmittal of 2 Studies.
- 44189201 Glaza, S. (1996) Primary Eye Irritation Study of ^{20% Dextrin/Water Solution} ~~Ground~~ ^{1/50 Dilution of} Capsicum (~~Cayenne~~) (1,000,000 SHU) in Rabbits: Final Report: Lab Project Number: CHW 60103554: ~~TP3014~~. Unpublished study prepared by Corning Hazleton, Inc. 21 p.
- 44189202 Glaza, S. (1996) Primary Eye Irritation Study of Ground Capsicum (Cayenne) 200,000 SHU in Rabbits: Final Report: Lab Project Number: CHW 60103556: TP3015. Unpublished study prepared by Corning Hazleton, Inc. 31 p.

1/6/97

Teresa :

- 1) Synder submitted data
on 3 products (68563-R, -E,
-G) on 10/24/96
- 2) We rejected 2 studies (06, 08
for 441467) on 11/4/96.
- 3) On 12/10/96, Co submitted
the missing pages for "06" &
"08".

Please check formatting &
return to vrs.

Thank you

Dan Pearson

305-5407

Rm 221, CM-2

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

JAN 09 1997

SNYDER SEED CORPORATION
1576 SWEET HOME ROAD
AMHERST, NY 14228

Report of Analysis for Compliance with PR Notice 86-5

Thank you for your transmittal of 10/24/96. Our staff has completed a preliminary analysis of the material. The results are provided as follows:

Your submittal was found to be in full compliance with the standards for submission of data contained in PR Notice 86-5. A copy of your bibliography is enclosed, annotated with Master Record ID's (MRIDs) assigned to each document submitted. Please use these numbers in all future references to these documents. Thank you for your cooperation. If you have any questions concerning this data submission, please raise them with the cognizant Product Manager, to whom the data have been released.

Snyder Seed Corporation

December, 10 1996

Mr. Dan Peacock
Product Management Team
EPA Registration Division
Crystal Mall Bldg. #2
2nd Floor Mail Rm.
1921 Jefferson Davis Highway
Arlington, VA 22202

Dear Mr. Peacock,

I have been informed by Cathy Shea that some of the pages of our EPA registration guideline documents dealing with studies conducted at Corning Hazelton are missing. I am including with this fax ;

submitted 1) Missing page 29 of EPA Guideline 81-4, "Primary Eye Irritation Study of 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution in Rabbits", Laboratory Project Identification: CHW 60103554.

submitted 2) Missing pages 30 and 31 of EPA Guideline 81-4 "Primary Eye Irritation Study of Ground Capsicum (200,000 SHU) in Rabbits", Laboratory Project Identification: CHW 60103556.

441467-09 3) Missing page 27 of EPA Guideline 81-5 "Primary Dermal Irritation Study of Capsicum (200,000 SHU) in Rabbits", Laboratory Project Identification: CHW 60103555.

[Teresa, try copy was not missing 1/27. J.A.D.]
Please be informed that Cathy Shea is our representative in Washington regarding the matter of EPA registration for these products. Please feel free to contact me or Cathy if you require any further assistance with our registration packets.

Sincerely,

Joseph A. Dunn
Joseph A. Dunn, Ph.D.
President

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs

441467

06 E

08

SNYDER SEED CORPORATION
1576 SWEET HOME ROAD
AMHERST, NY 14228

Report of Analysis for Compliance with PR Notice 86-5

Thank you for your transmittal of 10/24/96. Our staff has completed a preliminary analysis of the material. The results are provided as follows:

Your data submittal was found to be partially in compliance with the standards for submission of data contained in PR Notice 86-5, with the exceptions noted below. A copy of your transmittal bibliography is enclosed, annotated with the Master Record ID's (MRIDs) assigned to each document accepted. Please use these numbers in all future references to these documents. If deficiencies were found which apply to individual accepted studies, they are listed below following the applicable MRID. Any document which has been assigned a MRID has been accepted under PR Notice 86-5. If any comments related to a MRID appear on this report, they are provided for your information and reference when preparing future submissions. Some individual documents were not acceptable, and all copies are being returned to you for correction for the reasons indicated below. These rejected studies have been assigned separate identification numbers which are annotated on both the enclosed bibliography and the rejected document labels. The rejected studies and their deficiencies are described below.

Rejected study [06] :

* Judging from the pagination of the study, pages....29..... were omitted from the submitted copy.

Rejected study [08] :

* Judging from the pagination of the study, pages....30,31..... were omitted from the submitted copy.

NEW REGISTRATION OR NEW EUP

FAST TRACK *
APPLICATION FOR NEW REGISTRATION

WITH DATA

Init. Date

NO DATA

Init. Date

FEU

FEU

Fileroom/JACKETS

Fileroom/JACKETS

SIG (DATA)

PM

Fileroom/JACKETS

PM

REGULAR APPLICATION FOR NEW APPLICATION
OR
EXPERIMENTAL USE PERMIT

Includes new petition for Tolerance: YES or NO

WITH DATA

Init. Date

NO DATA

Init. Date

FEU

OGT 10-28-96

FEU

Fileroom/JACKETS

TBJ 10/28/96

Fileroom/JACKETS

SIG (DATA)

JM 11-7-96

PM

Fileroom/JACKETS

OCY 11/7/96

PM

14

* Front End Processing determined this application qualifies for fast track review based of registrants claim of "me-too". No screen for substantial similarity is made by the Front End Processing Section.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 28, 1996

• SNYDER SEED CORP
1576 SWEET HOME RD
WEST AMHERST, NY 14228

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

ATTN: JOE A DUNN, PHD

PRODUCT NAME: PEPPER TREATTM WILD BIRD SEED
COMPANY NAME: SNYDER SEED CORP
OPP IDENTIFICATION NUMBER: 257613
EPA FILE SYMBOL: 68563-R
EPA RECEIPT DATE: 10/24/96

SUBJECT: RECEIPT OF APPLICATION FOR A NEW REGISTRATION

DEAR REGISTRANT

The Office of Pesticide Programs has received your application for a new registration, and it has passed an administrative screen for completeness.

Please note that this is only a notification of receipt of your application. This is only the first step in the application process, and does NOT constitute approval.

If you have any questions, please contact Bill Jacobs, Acting Product Manager 14 at (703)305-6406.

Sincerely,

Front End Processing Staff
Information Services Branch
Program Management and Support Division



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS**

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Ready to use. Set out and let the birds enjoy.

STORAGE & DISPOSAL

STORAGE: Store in original container in a dry place inaccessible to children, pets, and domestic animals. **DISPOSAL:** Do not reuse empty container. Wrap container and put out for trash or recycling collection.

Pepper Treat™ Wild Bird Seed

Keeps birdseed SQUIRREL FREE™
Contains all natural ingredients

ACTIVE INGREDIENTS

| | |
|---------------------------|---------|
| Capsaicin | 0.0130% |
| Dihydrocapsaicin | 0.0095% |
| Nordihydrocapsaicin | 0.0026% |

} .025%

INERT INGREDIENTS 99.9749%

TOTAL 100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See left panel for additional statements.

Manufactured for:

Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R
EPA Est. No.:

NET WEIGHT 8 lb.

96 OCT 24 P 2:08

REC'D ... P/DP01

DATA

Pepper Treat™ Wild Bird Seed

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(142)

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151-12 Formation of Impurities 3 Snyder Seed, 1996 44146702

151-13 Preliminary Analysis 4 Snyder Seed, 1996 44146703

151-15 Certified Limits 5 Confidential Statement of Formula

151-16 Analytical Method 6 Snyder Seed, 1996 44146704

Physical and Chemical Characteristics

151-17a Color 7 Snyder Seed, 1996

151-17b Physical State 8 Snyder Seed, 1996 44146705

151-17c Odor 9 Snyder Seed, 1996

151-17f Bulk Density 10 waiver

151-17g Solubility 11 waiver

151-17i pH 12 waiver

151-17 Oxidizing or Reducing Action 13 waiver

151-17k Flammability 14 waiver

151-17 Explodability 15 waiver

151-17l Storage Stability 16 Snyder Seed, 1996

151-17m Viscosity 17 waiver

151-17n Miscibility 18 waiver

151-17o Corrosion Characteristics 19 Snyder Seed, 1996

151-15 Dielectric Breakdown Voltage 20 waiver

Ecological Effects

154- Avian Acute Oral, Avian Dietary,
Freshwater Fish, and Freshwater
Invertebrate 21 waiver

Toxicology

152-10 Acute Oral Toxicity 22 waiver

152-11 Acute Dermal Toxicity 23 waiver

152-12 Acute Inhalation Toxicity 24 waiver

152-13 Primary Eye Irritation 25 Hazleton, 1996 REJECTED (06)

PRELIMINARY ANALYSIS, OLEORESIN 26 Snyder Seed, 1996 - 44146706

PRIMARY EYE IRRITATION 27 Hazleton, 1996 - CAYENNE REJECTED (08)

PRELIMINARY ANALYSIS - CAYENNE 28 Snyder Seed, 1996 44146707

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20/2

Pepper Treat™ Wild Bird Seed
Table of Contents (continued)

| Guideline Reference Number | Test Description | Tab | Source |
|----------------------------------|---------------------|-----|--------|
|----------------------------------|---------------------|-----|--------|

Toxicology (continued)

| | | | | | |
|--------|--------|---------------------------|----|-------------------------------|----------|
| VOL 10 | 152-14 | Primary Dermal Irritation | 29 | Hazleton, 1996 [CHW 60103553] | 44146701 |
| 11. | | PRIMARY DERMAL | 30 | Hazleton, 1996 [CHW 60103555] | 44146709 |
| | 152-15 | Dermal Sensitization | 31 | waiver | |
| | 152-16 | Hypersensitivity | 32 | waiver | |
| | 152-18 | Immunotoxicity | 33 | waiver | |

Product Performance

| | | | | | |
|----|------|-----------|----|--------------------------|----------|
| 12 | 96-6 | Squirrels | 34 | Cornell University, 1996 | 44146716 |
|----|------|-----------|----|--------------------------|----------|

| | | | | | | | |
|---|---|---|--------------------------|---|-----------------------|----------------|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 1 of 8 | |
| 5. Applicant's Name and Address: Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9c. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| 151-10 | Product identity | X | 10-96 | | | | Tab 1 |
| 151-11 | Manufacturing process Manufacturing Process for Pepper Treat™ Wild Bird Seed | X | 10-96 | | | | Tab 2 |
| 151-12 | Formation of impurities Formation of Impurities for Pepper Treat™ Wild Bird Seed | X | 10-96 | | | | Tab 3 |
| 151-13 | Analysis of samples Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Pepper Treat™ Wild Bird Seed | X | 10-96 | | | | Tab 4 |
| 151-15 | Certified of limits | X | 10-96 | | | | Tab 5 |
| 151-16 | Analytical method Analytical Method for High Pressure Liquid Chromatography of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Snyder Seed Corporation's Raw Materials and Products | X | 10-96 | | | | Tab 6 |

96 OCT 24 P2:08

REC'D EPA/OPP/OPD1

68563-R

| | | | | | | | |
|---|---|---|--------------------------|---|-----------------------|------------------|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected ___ Yes <u>X</u> No | | 4. Page 2 of 8 | |
| 5. Applicant's Name and Address: Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | PHYSICAL AND CHEMICAL PROPERTIES | | | | | | |
| 151-17a | Color Physical and Chemical Characteristics of Pepper Treat™ Wild Bird Seed, Suet with Pepper Treat™ and Seed Saver | X | 10-96 | | | light brown | Tab 7 |
| 151-17b | Physical State Physical and Chemical Characteristics of Pepper Treat™ Wild Bird Seed, Suet with Pepper Treat™ and Seed Saver | X | 10-96 | | | solid | Tab 8 |
| 151-17c | Odor Physical and Chemical Characteristics of Pepper Treat™ Wild Bird Seed, Suet with Pepper Treat™ and Seed Saver | X | 10-96 | | | slightly pungent | Tab 9 |
| 151-17f | Bulk Density | X | 10-96 | waiver | | | Tab 10 |
| 151-17g | Solubility | X | 10-96 | waiver | | | Tab 11 |
| 151-17i | pH | X | 10-96 | waiver | | | Tab 12 |
| 151-17 | Oxidizing/reducing reaction | X | 10-96 | waiver | | | Tab 13 |
| 151-17k | Flammability | X | 10-96 | waiver | | | Tab 14 |
| 151-17 | Explosibility | X | 10-96 | waiver | | | Tab 15 |

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|---|---|---|--------------------------|---|-----------------------|----------------|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 3 of 8 | |
| 5. Applicant's Name and Address: Sndyer Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| PHYSICAL AND CHEMICAL PROPERTIES (continued) | | | | | | | |
| 151-17l | Storage stability Physical and Chemical Characteristics of Pcpper Treat™ Wild Bird Seed, Suet with Pepper Treat™ and Seed Saver | X | 10-96 | | | refer to study | Tab 16 |
| 151-17m | Viscosity | X | 10-96 | waiver | | | Tab 17 |
| 151-17n | Miscibility | X | 10-96 | waiver | | | Tab 18 |
| 151-17o | Corrosion characteristics Physical and Chemical Characteristics of Pepper Treat™ Wild Bird Seed, Suet with Pepper Treat™ and Seed Saver | X | 10-96 | | | none | Tab 19 |
| 151-17 | Dielectric breakdown voltage | X | 10-96 | waiver | | | Tab 20 |

| | | | | | | | |
|---|------------------------------|---|--------------------------|---|-----------------------|----------------|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 4 of 8 | |
| 5. Applicant's Name and Address: Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | ECOLOGICAL EFFECTS | | | | | | |
| 154-6 | Avian Acute Oral | X | 10-96 | waiver | | | Tab 21 |
| 154-7 | Avian Dietary | | | | | | |
| 154-8 | Freshwater Fish LC50 | | | | | | |
| 154-9 | Freshwater Invertebrate LC50 | | | | | | |

| | | | | | | | |
|---|---|---|--------------------------|---|-----------------------|---|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 5 of 8 | |
| 5. Applicant's Name and Address: Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | TOXICOLOGY | | | | | | |
| 152-10 | Acute oral toxicity | X | 10-96 | waiver | | | Tab 22 |
| 152-11 | Acute dermal toxicity | X | 10-96 | waiver | | | Tab 23 |
| 152-12 | Acute inhalation | X | 10-96 | waiver | | | Tab 24 |
| 152-13 | Primary eye irritation Primary Eye Irritation Study of 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution in Rabbits | X | 10-96 | | | Clear of positive reactions by 24 hours (Category IV) | Tab 25 |
| | Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution | X | 10-96 | | | | Tab 26 |

| | | | | | | | |
|---|---|---|--------------------------|---|-----------------------|---|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 6 of 8 | |
| 5. Applicant's Name and Address: Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | TOXICOLOGY (continued) | | | | | | |
| 152-13 | Primary Eye Irritation Study of Ground Capsicum (Cayenne) 200,000 SHU in Rabbits | X | 10-96 | | | Clear of positive reactions by 72 hours (Category III) | Tab 27 |
| | Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Ground Capsicum (Cayenne) | X | 10-96 | | | | Tab 28 |
| 152-14 | Primary dermal irritation Primary Dermal Irritation Study of 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution in Rabbits | X | 10-96 | | | Slightly irritating (Category IV) | Tab 29 |
| | Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in 1/50 Dilution of Oleoresin of Capsicum (1,000,000 SHU) in 20% Dextrin/Water Solution | X | 10-96 | | | | Tab 26 |
| | Primary Dermal Irritation Study of Ground Capsicum (Cayenne) 200,000 SHU in Rabbits | X | 10-96 | | | Moderately irritating (Category III) | Tab 30 |
| | Preliminary Analysis of Capsaicin, Dihydrocapsaicin and Nordihydrocapsaicin in Ground Capsicum (Cayenne) | X | 10-96 | | | | Tab 28 |

| | | | | | | | |
|---|-------------------------|---|--------------------------|---|-----------------------|----------------|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 7 of 8 | |
| 5. Applicant's Name and Address: Sndyer Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | TOXICOLOGY (continued) | | | | | | |
| 152-15 | Dermal sensitization | X | 10-96 | waiver | | | Tab 31 |
| 152-16 | Hypersensitivity | X | 10-96 | waiver | | | Tab 32 |
| 152-18 | Immunotoxicity | X | 10-96 | waiver | | | Tab 33 |

| | | | | | | | |
|---|---|---|--------------------------|---|-----------------------|--|----------------------------------|
| 1. Product Name Pepper Treat™ Wild Bird Seed | | 2. EPA Reg. No./File Symbol 68563-R | | 3. Formulator's Exemption Selected _ Yes <u>X</u> No | | 4. Page 8 of 8 | |
| 5. Applicant's Name and Address: Sndyer Sced Corporation 1576 Sweet Home Road West Amherst, NY 14228 | | 6. Application for Registration Dated October 1996 | | 7. Name of Active Ingredient: Capsaicin, Dihydrocapsaicin, and Nordihydrocapsaicin | | | |
| 8. 40 CFR Part 158 DATA REQUIREMENTS | | 9. SOURCE OF DATA SATISFYING REQUIREMENT | | | | | |
| 8a. Guideline Reference Number | 8b. Name of Test | 9a. Submitted by Applicant | 9b. Date Submitted | 9f. N.A. or waiver | 10. MRID Number | 11. Result | 12. Location in submission |
| | PRODUCT PERFORMANCE | | | | | | |
| 96-6 | Squirrels Evaluation of Capsaicin as an Aversion Agent to Consumption of Birdseed by Gray Squirrels (<i>Sciurus carolinensis</i>) | X | 10-96 | | | Reduced squirrel daily consumption of birdseed from 248.6 g to 14.6 g | Tab 34 |

DP BARCODE: D232597

CASE: 060987
SUBMISSION: S515655

DATA PACKAGE RECORD
BEAN SHEET

DATE: 01/15/97
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: REGISTRATION ACTION: 166 RESB NEW PRO-OC-MIN CHG
RANKING : 0 POINTS ()
CHEMICALS: 070701 Capsaicin (in oleoresin of capsicum) 0.0251%

ID#: 068563-R PEPPER TREAT WILD BIRD SEED
COMPANY: 068563 SNYDER SEED CORP
PRODUCT MANAGER: 14 WILLIAM JACOBS 703-305-6406 ROOM: CM2 259
PM TEAM REVIEWER: DANIEL PEACOCK 703-305-5407 ROOM: CM2 221
RECEIVED DATE: 12/10/96 DUE OUT DATE: 06/18/97

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 232597 EXPEDITE: N DATE SENT: 01/15/97 DATE RET.: / /
CHEMICAL: 070701 Capsaicin (in oleoresin of capsicum)
DP TYPE: 001 Submission Related Data Package
CSF: Y LABEL: Y

| ASSIGNED TO | DATE | IN | DATE | OUT | ADMIN DUE DATE: 06/14/97 |
|------------------|----------------|----|----------------|------------|--------------------------|
| DIV : RD | / | / | / | / | NEGOT DATE: / / |
| BRAN: IRB | / | / | / | / | PROJ DATE: / / |
| SECT: PMT-14 | / | / | / | / | |
| REVR : <i>Wj</i> | <i>11/5/97</i> | | <i>2/13/97</i> | <i>OUT</i> | |
| CONTR: | / | / | / | / | |

* * * DATA REVIEW INSTRUCTIONS * * *

Bill,

Please review the attached material for these 3 Synder
Seed products.

I have sent reviews to Chem and tox.

Dan Peacock

* * * DATA PACKAGE EVALUATION * * *

No evaluation is written for this data package

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

| DP BC | BRANCH/SECTION | DATE OUT | DUE BACK | INS | CSF | LABEL |
|-------|----------------|----------|----------|-----|-----|-------|
|-------|----------------|----------|----------|-----|-----|-------|

68563-R

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND
DOMESTIC ANIMALS**

Caution. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Ready to use. Set out and let the birds enjoy.

STORAGE & DISPOSAL

STORAGE: Store in original container in a dry place inaccessible to children, pets, and domestic animals. **DISPOSAL:** Do not reuse empty container. Wrap container and put out for trash or recycling collection.

Pepper Treat™ Wild Bird Seed

Keeps birdseed SQUIRREL FREE™
Contains all natural ingredients

ACTIVE INGREDIENTS

| | |
|---------------------------|---------|
| Capsaicin | 0.0130% |
| Dihydrocapsaicin | 0.0095% |
| Nordihydrocapsaicin | 0.0026% |

INERT INGREDIENTS 99.9749%

TOTAL 100%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See left panel for additional statements.

Manufactured for:

Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol: 68563-R
EPA Est. No.:

NET WEIGHT 8 lb.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SNYDER SEED CORP
1576 SWEET HOME RD
WEST AMHERST, NY 14228

ATTN: JOE A DUNN, PHD

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

SUBJECT: Assignment of New Company Number

Dear Sir/Madam:

The Office of Pesticide Programs received your request for a company number / distributor number. The company number assigned to you is 68563.

You are required to notify the Agency of any change in name or address. All requests for change of company name and/or address, appointment of agent or withdrawal of an agent's appointment, must be clearly identified on your companies letterhead. All requests need to be sent to the following:

Document Processing Desk (COADR)
Office of Pesticide Programs - 7504C
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460-0001

All products must be registered with the Agency prior to shipment and/or sale. Forms and instructions for registering pesticide products can be obtained by calling the Registration Support Branch at (703) 308-8341.

If you are only distributing a product you must complete the Notice of Supplemental Registration of Distributor (EPA form 8570-5). This form can also be obtained by calling the number listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucy J. Trainor".

Front End Processing Staff
Information Services Branch
Program Management and Support Division



United States
Environmental Protection Agency
Washington, DC 20460

Form Approved
OMB No. 2070-0060
Approval Expires 05-31-95

Certification with Respect to Citation of Data

Applicants Name and Address

Snyder Seed Corporation
1576 Sweet Home Road
West Amherst, NY 14228

EPA File Symbol/Registration Number

68563-R

Product Name

Pepper TreatTM Wild Bird Seed

Date of Application

October 1996

NOTE: If your product is a 100% repackaging of another EPA-registered product that you purchase, and is labeled for the same uses, you do not need to submit this form. You must submit the Formulator's Exemption Statement (EPA Form 8570-27).

1. This application is supported by all data submitted or cited in the application. In addition, if cite-all options are indicated, this application is supported by all data in the Agency's files that concern the properties or effects of this product that is identical or substantially similar and that is one of the types of data that would be required to be submitted if this application sought the initial registration of a product of identical or similar composition and intended uses under the data requirements in effect on the date of approval of this application. (Check the appropriate boxes, in items 2 and 3, or 4 below that pertain to your application.)

2. I certify that, for each study cited in support of this application for registration that is an exclusive use study,

☒ I am the original submitter*; or

☐ I have obtained the written permission of the original submitter for _____, which is
(insert name of chemical)
_____ (for multiple chemicals link the companies who are original data submitters
(insert names of companies)
with the appropriate chemical name) to cite that study*

3. I certify that, for each study cited in support of this application for registration that is not an exclusive use study;

a. ☒ I am the original data submitter*; or

☐ I have obtained the written permission of the original data submitter for _____, which is
(insert name of chemical)
_____ (for multiple chemicals link the companies who are original data submitters
(insert names of companies)
with the appropriate chemical name) to cite that study*; or

b. ☐ I have notified in writing the companies _____ for _____ that
(insert names of companies) (insert name of chemical)

have submitted data I have cited to support this application and have offered to: (a) Pay compensation for those data in accordance with section 3(c)(1)(F) and 3(c)(2)(D) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); and (b) Commence negotiations to determine which data are subject to the compensation requirement of FIFRA and the amount and terms of compensation due, if any. The companies I have notified are:

Companies _____ for _____ (for multiple
(insert names of companies) (insert name of chemical)
chemicals link the companies who are original data submitters with the appropriate chemical name)
listed on the Pesticide Data Submitters List for all active ingredients contained in my product (cite all
method or cite-all option under Selective Method*). (Also, sign the General Offer Statement below.)
Companies _____ for _____ (for multiple
(insert names of companies) (insert name of chemical)
chemicals link the companies who are original data submitters with the appropriate chemical name)
that have submitted the studies which I have cited (Selective method*).

4. ☒ I certify that for each study cited in support of this application I am not required to offer data compensation or obtain written permission because all time periods for exclusive use and data compensation have expired.

* A Data Matrix identifying these studies is attached. (Note: a Data Matrix is not required under the cite-all method)

Signature

Name and Title Joe A. Dunn, Ph.D. President

Date

10-18-96

General Offer to Pay: I hereby offer and agree to pay compensation to other persons, with regard to the approval of this application, to the extent required.

Signature

Name and Title

Date

Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to average 2.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining needed data, and completing and reviewing this application form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 401 M Street, S. W., Washington, DC 20460; and to Office of Management and Budget, Paperwork Reduction Project (2070-0055), Washington, DC 20503, marked "Attention Desk Officer for EPA."

Received Event (Event Succeeded)

Date: 10/24/96

Time: 11:59 AM

Pages: 1

Fax Number:

10/24/1996 11:55 7166361477

SNYDER SEED

PAGE 01

Cover letter

SNYDER SEED CORPORATION

October 24, 1996

441510-00

Mr. Dan Peacock (CM-2 H7505C)
Office of Pesticide Programs (Teams 14)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Reference: New Product Application
Pepper Treat™ Wild Bird Seed (EPA File Symbol: 68563-R)
Suet with Pepper Treat™ (EPA File Symbol: 68563-~~R~~ G)
Seed Saver (EPA File Symbol: 68563-~~G~~ E)

Dear Mr. Peacock:

Snyder Seed Corporation is respectfully submitting new product application packages for the three above-mentioned end-use products. The active ingredients in these products are capsaicin and related capsaicinoids. Because the properties of these active ingredients are known and since the percent of actives is low, we are requesting that these products be approved in a timely manner.

Please call me at 716-636-5107 if you have any questions or if I may be of further assistance.

Sincerely,



Joseph A. Dunn, Ph.D.
President

96 OCT 24 P2:20

RECD EPA/OPP/DPD1

N/ET

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060. Approval expires 05-31-98.



United States
Environmental Protection Agency
Washington, DC 20460

☒ Registration
☐ Amendment
☐ Other

OPP Identifier Number

257613

Application for Pesticide - Section I

| | | |
|---|---------------------------------------|--|
| 1. Company/Product Number 68563-R | 2. EPA Product Manager Dan Peacock | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) TM Pepper Treat Wild Bird Seed | PM# 14 | |
| 5. Name and Address of Applicant (Include ZIP Code) Snyder Seed Corporation 1576 Sweet Home Road West Amherst, NY 14228 <input type="checkbox"/> Check if this is a new address | | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ |

Section - II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ |
| <input type="checkbox"/> Resubmission in response to Agency letter dated _____ | <input type="checkbox"/> "Me Too" Application. |
| <input type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Other - Explain below. |

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Section - III

| | | | | | |
|--|--|---|--|--|-------------------|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ | | |
| Certification must submitted | | | | | |
| If "Yes" Unit Packaging wgt. | | No. per container | If "Yes" Package wgt. | | No. per container |
| 7. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container | | 4. Size(s) Retail Container 8 lb | | 5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | <input type="checkbox"/> Other _____ | | |

Section - IV

| | | | | | |
|---|--|-----------------------|--|---|--|
| 1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.) | | | | | |
| Name Joe A. Dunn, Ph.D. | | Title President | | Telephone No. (Include Area Code) 716-636-5107 | |
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | | | 6. Date Application Received (Stamped) | |
| 2. Signature | | 3. Title President | | | |
| 4. Typed Name Joe A. Dunn, Ph.D. | | 5. Date 10-18-96 | | | |

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PAPERWORK REDUCTION ACT NOTICE and INSTRUCTIONS

PAPERWORK REDUCTION ACT NOTICE: Public reporting burden for this collection of information is estimated to average 0.85 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, (2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

INSTRUCTIONS: This form is to be used for all applications for new registration, and use reregistration, amendment, resubmission, to applications for notifications, final printed labeling, reregistration, etc. In order to process an application for a new registration submitted on this form, the following material must accompany the application:

1. Certification with Respect to Citation of Data (EPA Form 8570-29). (If not exempted by 40 CFR 152.81 (b) (4));
2. Confidential Statement of Formula (EPA Form 8570-4);
3. Formulator's Exemption Statement (EPA Form 8570-27);
4. Five copies of draft labeling;
5. Three copies of any data submitted;
6. Authorization letter where applicable;
7. Matrices where applicable.

Submission of Labeling - Labeling should first be submitted in the form of draft labels with all applications for new registration. Such draft labels may be in the form of typed label text on 8.5 x 11 inch paper for submission or a mockup of the proposed label. If prepared for mockup, it should be constructed in a way as to facilitate storage in an 8.5 x 11 inch file. Mockup labels significantly smaller than 8.5 x 11 inches should be mounted on 8.5 x 11 inch paper for submission.

Submission of Data - Data submitted in support of this application must be submitted in accordance with PR Notice 86-5.

SPECIFIC INSTRUCTIONS: Please read the instructions listed below before completing this application. First determine the type of registration action, listed in Block A, for which you are submitting this application. For applications submitted in connection with New Registration actions, Section I, III, and IV must be completed by the applicant. For applications submitted in connection with amended reregistration actions, resubmissions, notifications, reregistrations, etc., Sections I, II, and IV must be completed by the applicant.

Block A - Check the appropriate action for which you are submitting this form.

SECTION I - This section must be completed, as applicable, for all registration actions.

1. **Company/Product Number** - Insert your Company Number, if one has been assigned by EPA. This number may have been assigned to you as a basic registrant, a distributor, or as an establishment. If your product is registered, insert the Product Number.
2. **EPA Product Manager** - If known, fill in the name and PM number of the EPA Product Manager.
3. **Proposed Classification** - Specify the proposed classification of this product.
4. **Product Name** - Enter the complete product name of this pesticide as it will appear on the label. The name must be specific to this product only. Duplication of names is not permitted among products of the same company. Do not include any brand name or company line designations.
5. **Name and Address of Applicant** - The name of the firm or person and address shown in your application is the person or firm to whom the registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. An applicant not residing in the United States must have an authorized agent residing in the United States to act for them in all registration matters. The name and complete mailing address of such an agent must accompany this application.
6. **Expedited Review** - FIFRA section 3 (c) 3 (B) provides for expedited review of applications for registration, or amendments to existing registrations, that are similar or identical to other pesticide products that are currently registered with the EPA. In order for your application to be eligible for expedited review, you must provide us with the EPA Registration Number and product name of the product you believe is similar to or identical to your product. The product must be similar or identical in both formulation and labeled uses.

SECTION II - This section must be completed for all applications submitted to amend the registration only of a currently registered product (Amendment), for a resubmission in response to an Agency letter, for notifications to the Agency, for the submission of final printed labeling, for reregistration and for any other action that pertains to a specific EPA-registered product. This section is not to be used for a new application for registration.

1. **Subject of submission** - Check the applicable block and provide the Agency letter date if appropriate. Provide a brief explanation of the purpose(s) for the submission, such as "the addition of a site, pest or crop (specify)"; "amend the Confidential Statement of Formula by..."; "reregistration submission"; "general label revision of use directions." Attach a separate page if additional space is needed.

SECTION III (Packaging and Container Information) - This Section must be completed for all applications submitted in connection with new registration or applicable amendments.

1. **Type of Packaging** - Check the appropriate block if your product will be packaged in the indicated packaging types. Indicate the size of the individual packets and number per retail container.
2. **Type of Retail Container** - Indicate type of container in which product will be marketed.
3. **Location of Net Contents** - Indicate the location of the net contents information for your product.
4. **Size(s) of Retail Container** - Specify the net contents of all retail containers for your product.
5. **Location of Use Directions** - Indicate the location of the use directions for your product.
6. **Manner in which label is affixed to product** - Indicate the method product label is attached to retail container.

SECTION IV (Contact Point) - This Section must be completed for all applications for Registration actions, i.e., new products registration, resubmission, "me-too," reregistration, etc.

- 1-5. Self-explanatory.
6. EPA Use Only.

Pepper Treat™ Wild Bird Seed (EPA File Symbol 68563-R)
Specification Sheet

Source Product - Oleoresin of Capsicum

| | Concentration and Percentage of Active in Source Product (MRID 441467-06) | |
|--|---|----------|
| | µg/gm | Percent* |
| Capsaicin | 657 | 0.0657 |
| Dihydrocapsaicin | 473 | 0.0473 |
| Nordihydrocapsaicin | 90 | 0.009 |
| Total - Capsaicin and Related Capsaicinoids | 1220 | 0.122 |
| * Percent was calculated as the number of µg active divided by 1,000,000 µg/gm X 100 | | |

Purpose of Oleoresin of Capsicum - Source of active

